

## Exploring human rights violations in post new era Indonesia

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### **Abstract:**

Although human rights have been officially recognized in Indonesia, human rights violations have persisted since Suharto's authoritarian regime. The purpose of this article is to examine why human rights violations that have occurred in Indonesia since the New Order era, when the Suharto regime was in power, but have yet to be resolved. With a human rights perspective, the author employs qualitative research methods in conjunction with secondary data from credible sources. Human rights violations committed during the New Order regime went unpunished, and impunity reigned. To this day, there are challenges to impunity for human rights violations in Indonesia, where the government does not have good faith to fulfil the rights of victims of human rights violations, and civil society organizations both on the national and international levels are powerless to support the resolution of these human rights violations. This situation will have an impact on Indonesia's international standing as one of the largest democratic countries that recognizes, protects, and fulfils human rights.

**Keywords:** Human rights violation, Suharto, Indonesia, Authoritarianism..

### **Background**

Indonesia has been dealing with both a political transition and an economic crisis. The reliance on foreign assistance on both fronts has sparked strong nationalist sentiments, which have been exacerbated by the loss of East Timor and have perceived Western sympathies for separatist movements within the Aceh and Papua regions. The elements were loyal to Suharto and were accused of inflaming and even starting various conflicts by exploiting such emotions. Economic inequality, lifestyle, religion, national stability, and other aspects all had a substantial impact on Indonesia's political transformation and convergence mechanisms (McGregor & Setiawan, 2019). While there is no clear link between authoritarian or democratic regimes and economic success, widespread economic hardship will undoubtedly erode support for administrations of all stripes. Regional economic crises in 1997-98, which prompted Suharto's resignation in May 1998, continue to stymie reforms of political, legal, judicial, and administrative

institutions and procedures by undermining their popular legitimacy. Religious and ethnic violence in Maluku, Kalimantan, and Central Sulawesi, as well as separatists in Aceh and Irian Jaya, tend to exacerbate political and economic unrest (Van Klinken, 2007).

Both Presidents Sukarno (1945-1965) and Suharto (1965-1998) were staunch opponents of the western-style liberal democracy that Indonesia witnessed in the 1950s. Instead, they resorted to Pancasila's five principles in the form of national philosophy and the 1945 Constitution, which they deemed more acceptable to Indonesian cultural values. This affirms the existence of a single God, national unity, civilized humanitarianism or internationalism, representative government, and social justice. Decisions and disagreements must be made and addressed through debate or *musyawarah* and consensus or *mufakat*, rather than competitive voting and the associated conflicts between majority and minority groups (Eldridge, 2002). Certain cooperative ideals must be applied in all economic and social sectors. While Pancasila can be built in reasonable liberal and pluralistic ways, it is also vulnerable to corporatist and authoritarian interpretations. Integralist beliefs presuppose the oneness of government and people by opposing individual or group rights toward the state, which appears to be envisioned as a large family. The key actors have recognized the parallels with fascist conceptions of the organic state in Europe and Japan. Despite their initial opposition, this was incorporated into New Order doctrine and practice. As a result, the 1985 Law on Social Groups required organizations to explain their goals using Pancasila as their sole foundation (Eldridge, 2002).

Incremental transformational leadership and movement beginning in small civil society groups as well as modest reforms launched from within the government, have created a greater popular foundation from which the change in momentum can be sustained in the face of residually powerful New Order structures and preferences. Concerns about civil and political rights have been traditionally associated with the middle class, and they were seen to have gained popularity by being linked to issues affecting people's daily lives such as land, wages, and working conditions, as well as the environment, violence and harassment against women, and corruption at all levels (Sugiharti et al, 2022).

Specific initiatives appear to span from the lower communities within the development of among the underprivileged populations to major mobilization for demand rights, with advocacy networks connecting at the local, national, and global levels. Suharto's civil society opponents did not always accept Western liberal-democratic values (Hadiz & Robison, 2013). Many people focused on the socioeconomic and political aspects of human rights. However, broad cross-group discussions about goals and techniques, as well as experience with internal self-management, contributed to the improvement of popular democratic ability (Jaffrey, 2020).

The Suharto regime largely ignored the UN human rights system, reacting to foreign criticism with broad defenses based on Indonesia's national sovereignty and its non-interference in domestic affairs. Nonetheless, it ratified the Conventions on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Rights of the Child in 1984 and 1990, respectively. In January 1998, Alatas, the foreign minister, issued a National Plan of Action on Human Rights for the years 1998 to 2003, and the MPR included a broad statement indicating future legal action in the State Policy Guidelines. In the aftermath of Suharto's demise, the torture and disappearances continued

unabated (Walton, 1998; Grzywacz, 2020). The Plan placed a special emphasis on integrating United Nations human rights treaties into national laws, which appears to be a necessary step before ratification. In November 1998, Indonesia appeared to ratify the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatments or Punishments, also known as the CAT, and the Convention on the Elimination of All Forms of Racial Discrimination, also known as the CERD. The timing of each marked significant declarations of intent immediately following Suharto's demise, as well as outbreaks of anti-Chinese sentiment, most likely arranged by members of the armed forces and also some Islamic groups (Rüland, 2022).

The upheaval surrounding President Wahid's resignation and the substitute of President Megawati Sukarnoputri with the optimistic Attorney General Marzuki Darusman, in addition to a designee from the poorly respected Department, appears to have hampered the Plan's execution (Rubenstein, 2017). Indonesia appears unequipped to ratify the International Covenant on Civil and Political Rights with only one year until the Plan's expiration date (ICCPR). Institutional initiative for developing policies and promoting human rights appears to be primarily in the hands of the Foreign Affairs Ministry, with President Wahid's Human Rights Ministry playing an unknown role (Eldridge, 2002).

Around a decade and a half just after fall of President Suharto and the New Order dictatorship, Indonesia has been widely cited as a model of democratic transformation—especially for Muslim majority governments. The nation has a lucrative party political system and has held three successful general elections since 1999, with such a fourth scheduled for 2014. The legislature also passed constitutional amendments, including key provisions to safeguard fundamental human rights such as individual liberties, religious freedom, and women's rights. These changes have resulted in rapid economic growth (Schwarz, 2018). As of 1999, the Indonesian economy had also grown at an annual rate of 4 to 6%. Despite these advancements, Indonesian transitional justice has been largely ineffective. While precise definitions vary, transitional justice here refers to the righting of wrongs committed in the past by holding criminals accountable for their actions. Neither Suharto nor any high-ranking officials or perpetrators have ever been tried or held accountable for human rights violations in Indonesia during the thirty-two years of authoritarian rule and after the democratic era (Liddle, 2002; Eldridge, 2002; Ehito, 2015). Tables 1–3 show the human rights violations and processes that occurred during the New Era and the era of democracy.

**Table-1.** Human Rights Violations in the New Era

No	Tragedy/Year	Number of Victims (Estimated)	Process
1.	Military Operations Area (DOM) Papua (1963-2003)	200.000	Under Investigation
2.	The tragedy of September 30, 1965 PKI (1965-1966)	500.000-3.000.000	Under Investigation
3.	The Buru Island Case (1965-1966).	250.000	Under Investigation
4.	The Mysterious Shooting (1982-1986)	10.000	Under Investigation
5.	Tanjung Priok Tragedy (1984-1987)	700	Prosecuted/punished
6.	Talangsari Tragedy (1989)	300	Under Investigation

7.	Santa Cruz Massacre, East Timor (1991)	273	Prosecuted/punished
8.	The Tragedy of Rumoh Geudong in Aceh (1989-1998)	3.068	Under Investigation
9.	Trisakti Tragedy (1998)	4	Under Investigation
10.	Activist Kidnapping 97/98 (1997-1998)	23	Under Investigation
11.	The Semanggi Tragedy I & II (1998-1999)	229	Under Investigation
12.	The Murder of Witchcraft Shamans in Banyuwangi (1998-1999)	115	Under Investigation
13.	May riots (1998)	1.308	Under Investigation

Source: Commission for Missing Persons and Victims of Violence (KONTRAS), 2020.

**Table-2.** Human Rights Violations Following the New Era (Era of Democracy)

No	Tragedy/Year	Number of victims (Estimated)	Process
1.	Abepura Incident (2000)	105	Prosecuted/Punished
2.	Wasior and Wamena Incidents (2001)	51	Under Investigation
3.	The incident of Guava Keupok Aceh (2003)	16	Under Investigation
4.	Paniai Incident (2014).	25	Under Investigation

Source: Commission for Missing Persons and Victims of Violence (KONTRAS), 2020

**Table-3.** Religious freedom violations after the New Era (2010-2021)

No	Tragedy/Year	Number of Incident	Process
1.	Violations of religious freedom (2010)	216	No Process
2.	Violations of religious freedom (2011)	244	No Process
3.	Violations of religious freedom (2012)	264	No Process
4.	Violations of religious freedom (2013)	222	No Process
	Violations of religious freedom (2014)	134	No Process
5.	Violations of religious freedom (2015)	197	No Process
6.	Violations of religious freedom (2016)	208	No Process
7.	Violations of religious freedom (2017)	201	No Process
8.	Violations of religious freedom (2018)	160	No Process
9.	Violations of religious freedom of minority religions (2019)	200	No Process
10.	Violations of religious freedom of minority religions (2020)	180	No Process
11.	Violations of religious freedom of minority religions (2021)	171	No Process

Source: SETARA Institute for Democracy and Peace (2010-2021)

**Tables 1–3 show that from the Suharto regime to the democratic era, only several perpetrators have indeed been held accountable, and impunity reigns.**

### **Method**

The data appears to specifically reference the facts and has no numerical restrictions. All secondary sources were used to conduct the research for this study. The study is theoretical in terms of research methods. One of the primary goals of the research is to provide a clear identification of the difficulties, challenges, and consequences of Human Rights Violations in Indonesia after the New Era.

As a result, the study investigates the issues through a review and analysis of the published literature, with a focus on all secondary information on the subject. In this case, the authors use recent major research work on the subject as an example. A researcher appears to create a detailed and complete examination of human rights standards found in primary sources, including cases, statutes, and regulations, using this method. This empirical study is based on relevant peer-reviewed journals published by an authorized publisher, as well as laws, enactments, online portals, websites, committee reports, legal, history, commentary, and the international convention. The method will be based on the author's research findings, and the author will bear full responsibility for conducting the research with academic integrity. A variety of research approaches, tools, and techniques, including content analysis, were used to examine the collected data. The choice of this method was deemed necessary as it provides a unique and valuable approach to understanding the reality of human rights (Caporale, 2019).

### **Literature Review**

Throughout Indonesia's history, there have been numerous demonstrations, conflicts, and wars in the name of liberty and freedom. The ability to freely express oneself is defined as freedom (Trager & Dickerson, 1999; Kim & Sherman, 2007). However, the distinction between liberty and freedom has frequently been erroneous (Berlin, 2002; Cookson, 2022). They may have the same meaning, but there are significant differences. The situation in which a person has the freedom to act according to his or her will is referred to as liberty. Liberty also denotes freedom from oppression, and it is worth noting that liberty has a symbolic meaning (Berlin 2002). The absence of constraints or obstacles, or the right or immunity enjoyed by the prescription or the grant, appears to refer to liberty (Meyers, 1903; Kolnai, 1949; Carter, 2022). Negative liberty has been defined in modern politics as the state of being free within society from the authority's control or oppressive constraints on an individual's way of life, conduct, or political opinions (Carter, 2022). Possessing the ability and resources to act in an environment that overcomes disparities is regarded as positive liberty (Carter, 2022).

The right to life is one of the most fundamental human rights. Several international legal treaties have acknowledged and established this. Article 3 of the Universal Declaration of Human Rights (UDHR) states, for example, that "everyone has the right to life, liberty, and personal security." The right to life has also been guaranteed by the Indonesian Constitution. According to Article 28A, "every person shall have the right to defend his/her life and living." However, as supreme commander, Suharto has issued repressive attitudes, statements, and policies in order to eliminate various public responses to the New Order's single principle policy of Pancasila. In dealing with this

issue, Kontras (2020) assessed Suharto as frequently making statements and policies that allowed violence to control the people's response to the rulers' policies at the time. Suharto, as president and commander of the Operational Command for the Restoration of Security and Order (KOPKAMTIB), is said to have obligated the Indonesian Armed Forces (ABRI) to take repressive measures against Islamic groups which are considered extremist groups that must be prevented and crushed.

The right to religious freedom is also guaranteed by the state, though the law limits its application in a variety of ways, including criminal penalties for defamation, hate speech, blasphemy, obscenity, and spreading false information. The law had been used to keep political criticism of the administration (Hamid, 2019). The law is seen to criminalize communication that is deemed to be defamatory of a person's character or reputation, either through Libel or Slander Laws. By disseminating hate speech and providing false information, obscenity, or encouraging separatism, this tends to insult the religion. Hate speech or the dissemination of false information is punishable by up to a year in prison. Such legislative language also governs pornography, which has been liberally used to limit the content and is thought to be offensive to local morality (Komisi Nasional Hak Asasi Manusia Republik Indonesia, 2020).

Pancasila's ideology and constitutional provisions emphasize the importance of religious and belief freedom for citizens. The founding fathers (founders of the nation) of Indonesia agreed, as a result of their deep thought, not to make one religion the foundation of the nation and state. This demonstrates how freedom of religion and belief is an inalienable right for every individual in Indonesia. The violation of the right to freedom of religion or belief is in violation of Human Rights Law Number 39 of 1999, which states in section considering letter b, "that human rights are basic rights that are naturally inherent in human beings, are universal and lasting, and must be protected, respected, maintained, and must not be ignored, reduced, or taken away by anyone;" The Indonesian nation, as a member of the United Nations, has a moral and legal responsibility to uphold and implement the Universal Declaration of Human Rights, as well as various other international instruments concerning human rights that the Republic of Indonesia has accepted.

Individual freedom has been defined as the ability to act or change without restriction, as well as the power and resources to achieve one's goals (Carter, 2003; Manzi, 2013). Freedom has been associated with the liberty and autonomy to make one's own laws and have certain rights and civil liberties to exercise them without excessive state intervention. In Indonesia, the government also implemented measures that deprive individuals of basic rights, such as restricting press freedom, simplifying political parties, suppressing voters, and allowing the use of torture and other forms of violence against dissenters (European Union, 2022). Under the political-state logic, human rights are only viewed as a requirement for democratizing the state, with no intention of fighting for further legal changes to defend or strengthen human rights practices (Eldridge, 2002; Punia, 2020). As a result, despite the fact that Reformation (*Reformasi*) has restored democratic rules and prompted the establishment of a national human rights framework, human rights issues such as human rights abuses, inaccessible health care, restrictions on freedom of expression, and persecution of minorities have persisted (Harsono, 2020; Freedom House, 2021).

## Analysis

In a number of ways, the fall of Suharto on May 21, 1998, marked the beginning of the transition process in Indonesia. This is referred to as the "democratic transition" in general. This transition is an attempt to change the bleak situation that existed during the Suharto era, when the role of the community was diminished. Society is only used as an object, is thought to only require price stability for economic needs, and is forced to be satisfied with the fulfilment of the economy (McCawley, 2013). The desired transition is one toward a more participatory society in state processes, but human rights violations were rampant both before and after the New Order. As seen from table-1, some of these cases are still being investigated, but they cannot be resolved properly because, even though the case has been around for a long time, the masterminds behind the case may still be present and free to roam. And there were many more human rights violations in Indonesia during the New Order era and in the current Reformation period. Of course, there have been many changes to the laws governing human rights themselves during the reform period, but even though there have been laws that regulate human rights, violations of human rights that occurred during the reform period.

The role of Islam in state and society is always of interest in Indonesia, the world's largest Muslim-majority country, which is frequently positioned as a "model Muslim democracy." Although analysis of Islam and the dangers of extremism can be reductionist at times, this compilation does not misrepresent or attempt to oversimplify the impact of Islam in Indonesia. For example, in the political sector, the authors show how, in addition to differing perspectives on decentralization and center-regional relations, engagement with Islam is a key topic that divides political parties (Fossati, 2017; Fossati, 2019). While acknowledging the importance of religion and center-regional ties, the authors do not exaggerate their significance, stating that political opinions on these issues "should not be understood as absolute," but rather as part of a larger picture. This is demonstrated by the fact that openly Islamic parties in Indonesian elections have historically performed poorly when compared to non-Islamic parties that strategically incorporate elements of an Islamic platform. As evidenced by the A Hok trial and the 2019 elections, the relationship between religion and politics remains a hot topic. However, due to its introductory nature, the collection avoids a thorough examination of the role and nature of Islam in Indonesia, as well as the complexities of decentralization (Peterson, 2020).

Not all Islamic organizations in Indonesia appear to be conservative. Indonesia has a diverse range of Islamic activism, ranging from moderate groups like the Muhammadiyah, which appear to be generally supportive of religious harmony. Certain researchers have pointed out that these groups have minority segments that lean toward conservatism and nonviolence while groups like Hizbut Tahrir Indonesia (HTI) seek the establishment of a caliphate, dakwah movements like Jemaah Islamiah, and political parties like the Prosperous Justice Party (Munabari *et al*, 2020). The FPI is also known as an Islamic political group founded in 1998 by Muhammad Rizieq Shihab, an Indonesian of Arab descent, who hoped for the assistance of the military, police, and political elites in mobilizing against the reform movement led by students. The document titled Historical Treaty and the Line of Struggle of the FPI details are: First, the suffering of Indonesian Muslims as a result of government human rights violations. Second, every Muslim is obligated to defend and uphold the dignity of Islam. The third point is that

every Muslim has an obligation to uphold the principles of commanding the good and forbidding the bad (Irawan, 2017)

### ***Changing the nature of human rights violations***

Since Indonesia's independence, ideas about religious and belief freedom have been prevalent. The 1945 Constitution guaranteed everyone the right to practice their religions or beliefs and worship as they saw fit (Article 29). Following 1998, the Law on Human Rights (Law No. 39 of 1999) and constitutional amendments legalized this concept (Article 28 E). However, in the post-new order or democratic era, violations of the right to expression and the right to life that occurred during the new order era changed significantly. As seen from table-3, actions that interfere with a person's or group's religious freedom, whether carried out by the state or by non-state actors, occur as a result of restrictions on the right to freedom of religion. Unconstitutional regulations or legal norms that violate human rights, lax law enforcement, and intolerance movements One of the consequences of the democratic changes enacted after 1998 has been the creation of space for religious groups with widely divergent viewpoints (Bourchier, 2019; Diprose, McRae & Hadiz, 2019).

In practice, the government could be a source of contention. When officials refuse to follow the law in order to protect minorities, they are frequently disadvantaged. Other policies, however, which the government continues to support, actually encourage hatred of minority groups. The Religious Affairs Ministry's book *Moderasi Beragama* discusses this topic. Many religious policies, it should be admitted, have neither strengthened moderate attitudes in religious practice nor avoided conflict. However, removing these religious rules would exacerbate religious strife. The lack of a solid foundation for guaranteeing human rights raises concerns about the variety of human rights violations that could emerge in the future; there is no guarantee that a solid foundation for upholding human rights will eliminate violations. This statement is certainly consistent with the findings of the SETARA Institute for Democracy and Peace from 2010 to 2021, which state that one of the conditions for declaring human rights violations is that the state sided with the majority while discriminating against the minority.

Furthermore, Indonesia was viewed as being under disunity, or a lack of agreement among ASEAN member states on the UNGPs, which has hampered the possibility of combining business and human rights within the ASEAN Economic Community (Nandyatama & Rum, 2020). According to ASEAN Charter Article 1(7), the Association is committed to promoting and protecting human rights and fundamental freedoms, as well as advancing democracy and good governance. This article holds ASEAN accountable for upholding and internalizing human rights ideals. Nonetheless, the ASEAN Charter supports the approaches to human rights of individual member governments. As a result, member countries now have a lot of leeway in deciding how to handle human rights issues.

National reactions to the UNDP have been diverse, as have broader concerns about business and the environment. Myanmar, the Philippines, and Indonesia appear to be merging a draught NAP developed by the National Human Rights Commission rather than developing a NAP on business and human rights (United Nations Development Program, 2018). The Human Rights Commission (KOMNAS HAM) collaborated with the human rights civil society group ELSAM to develop, finalize, and implement the



National Strategy in tandem with the current NAP on human rights (National Actions Plans on Business and Human Rights, 2017). It is argued that combining two national action plans is the most straightforward way to gain government approval. President Joko Widodo is widely regarded as a supporter of commercial sector deregulation in Indonesia, as well as the imposition of a new and mandatory tax. The government expects that regulating corporate sectors will be difficult.

### ***Continuing Human Rights Violations***

Indonesia bears direct and indirect international legal responsibility for violations of human rights committed by its police and military, even when operating for economic gain. The discovery of low corporate social responsibility (CSR) compliance had been operating in Indonesia's natural resource sectors involving agricultural commodities (Gunawan, 2021). This is also true of more developed legal regimes applicable to private security actors, not to mention current business and human rights standards. It was investigated whether access to justice had been provided to address such violations. According to the data, neither the state, in terms of recognizing state accountability or ensuring the prosecution of security actors who commit human rights violations while working for the business sector, nor the corporate actors themselves, have provided adequate remedies (United States Department of State, 2021).

During Suharto's reign, inequality improved, but not as much as poverty reduction. However, inequality began to rise in the late 1980s, as Suharto's developmentalism was gradually supplanted by the emergence of his family businesses and crony capitalism. During the period of economic recovery from the Asian financial crisis and political democratization, this rising trend did not reverse (Gellert, 2010). In 1999, the Gini coefficient fell to the same level as in the late 1980s, but then began to steadily rise. Inequality rose from 31 points in 1999 to 41 points in 2011 and has since remained stable. During this time period, only China experienced greater growth in the Gini coefficient. Indonesia's growing inequality is notable because inequality in neighbouring countries such as Malaysia, Thailand, and Vietnam remained stable or decreased during the same time period. Given the persistence of poverty and the rise in inequality, the government has a variety of options. The government should redistribute the economic benefits of the commodities boom to the lower classes while also developing pro-poor policies in areas such as social security, health care, and education.

Regardless of that perhaps the Indonesian government has set in place poverty eradication measures, the actual fact of severe poverty as well as growing inequality clearly demonstrates that these efforts have failed to address social needs. The question here is what the democratic government of Indonesia has taken to address societal economic disparities. The government has put in place to reduce poverty and how much growth has been shifted away from the wealthy, who benefit the most (Hill, 2021).

Indonesia has also seen its fairness in human rights fluctuations as a result of successive administrations. Following the September 30th coup, the Army of Indonesia and civilian vigilantes killed approximately three million people while President Sukarno was in power, as a result of the conflict with the Communist Party of Indonesia. In addition to the killings, the individuals were tortured and imprisoned without a trial. Furthermore, since the invasion of Indonesian territory in 1975, the Indonesian military has committed human rights violations such as torture, mass arrests, sexual assaults, and

long-term incarceration within East Timor under the government of the succeeding president Suharto (Frederic, 2011). Pluralism, fundamental freedoms, and a vibrant civil society have been critical components of Indonesia's positive human rights record in recent years (Ministry of Foreign Affairs of the Republic of Indonesia. (2022).

Despite serving on the United Nations Security Council from 2019 to 2020 and the United Nations Human Rights Council from 2020 to 2022, Indonesia has demonstrated one of the strongest commitments to global human rights improvement. However, the Indonesian government's lack of seriousness is reflected in the Indonesian government's continued disregard for various progressive international human rights conventions (KONTRAS, 2021).

Indonesia appears to be attempting to improve the lives of West Papuans as a result of Jokowi's current administration, who have been frequently overlooked by administrations in the past due to economic growth. Despite the continued presence of military forces, which may or may not impede the process, the Jokowi administration has made special efforts to address Indonesia's past human rights violations by establishing a non-judicial special agency to ensure such a process, which appears to be more peaceful and reconciliatory (Latif & Koswaraputra, 2022). To maintain national unity and integrity, as well as security and public order, human rights restrictions remain in place. As a result, human rights violations continue to occur across generations because the Indonesian government refuses to recognize that human rights violations are human rights issues that must be recognized as such and corrected.

The persistence of cases of human rights violations until the democratic era was due to the lack of commitment of state administrators, particularly the security forces, to upholding human rights principles in carrying out their duties and responsibilities. Cases of extrajudicial killings and enforced disappearance, for example, demonstrate how the government and security forces are unclear about how human rights principles and standards should be prioritized in problem solving. The shootings, arrests, torture, and extrajudicial killings demonstrate how the security forces continue to prioritize repression over persuasion and fair law enforcement. Meanwhile, cases of monotheism intimidation, persecution, and prohibition of religious activities demonstrate how the security forces and the government are often negligent in ensuring every citizen's right to security.

### ***The strength of legal impunity***

With the passage of Law (UU) No. 26 of 2000 establishing the Human Rights Court, Indonesia has completed its legal system and national institution of human rights (HAM). The Act "adopted" the International Criminal Court's (ICC) jurisdiction as defined in Section 2 of the Rome Statute, specifically Articles 5 to 8. Despite being "imperfect," the law was initially welcomed because it was hoped that it would provide a legal framework for resolving cases of past gross human rights violations through the courts. However, this is far from the case. As seen from table-1 to 3, no serious human rights violation in the past has been fully disclosed, unless the perpetrators are rewarded with decisions that satisfy a sense of justice.

The formation of a Non-Judicial Settlement Team for Past Serious Human Rights Violations (PAHAM) was only an initiative to boost immunity from prosecution and redress past human rights violations that the state had not fully resolved (Insiyah, 2020). Moreover, there are some perpetrators of heinous human rights violations who are

policymakers or serve in present government (Wicaksana, 2022). The actions of the government demonstrate that the state is unable and unwilling to resolve cases of human rights violations, including those investigated by the National Human Rights Commission (KOMNAS HAM RI).

The main obstacles to completing cases of human rights violations are a lack of commitment from certain parties to resolving cases, a legal system in some countries that is inadequate to prosecute perpetrators, and a political process riddled with competing interests. The power relations of the parties in power are frequently stronger, putting political interests ahead of humanity, while human rights violations continue to occur and more victims suffer. The back-and-forth between Komnas HAM (investigators) and the Attorney General (investigators and prosecutors) in Indonesia has become an impediment to resolving cases of serious human rights violations. The Attorney General's Office frequently cites a lack of evidence in investigations, as well as the loss of investigative documents, as factors impeding the resolution of cases involving grave human rights violations. Furthermore, some of the alleged perpetrators of heinous human rights violations have risen to positions of power in the government. In fact, perpetrators or suspected perpetrators should not be actively involved in policymaking. For example, if they manipulate law enforcement to their advantage or to avoid punishment, they are difficult to punish (Amnesty International, 2021).

## Conclusion

The reliance on foreign assistance has sparked strong nationalist sentiments, which have been exacerbated by the loss of East Timor and perceived Western sympathies for separatist movements in Aceh and Papua. The regional economic crises that prompted Suharto's resignation in 1997-98 continue to stymie reforms of political, legal, judicial, and administrative institutions and procedures. Concerns about civil and political rights have long been associated with the middle class. They were thought to have gained popularity by being associated with issues that affected people's daily lives. Suharto's civil society opponents did not always accept Western liberal-democratic values.

The Suharto regime largely ignored the UN human rights system. It ratified the Conventions on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Rights of the Child in 1984 and 1990, respectively. Following his demise, the torture and disappearances continued unabated. The International Covenant on Civil and Political Rights appears to be unprepared for ratification by Indonesia. President Wahid's Human Rights Ministry's role remains unknown. Since 1999, the Indonesian economy has grown at an annual rate of 4 to 6%. Despite these advances, transitional justice has largely failed.

Finally, under the political-state logic, human rights are only seen as a requirement for democratizing the state, with no desire to fight for further legal changes to protect human rights. *Reformasi* has restored democratic rules and prompted the creation of a national human rights framework. In terms of religious freedom, human rights violations, and relevance, Indonesia has faced numerous challenges. Freedom of religion is a human right that is protected by international, regional, and national legal frameworks. Religious minorities would be unable to profess their religion and belief as a result of a lack of access to religious freedom. Indonesia is the world's most populous Muslim-majority country. The role of Islam in state and society has long been a source of debate, with

Indonesia frequently positioned as a "model Muslim democracy."

### **Conflicts of Interest**

The authors have no conflicts of interest to disclose.

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