The State Responsibility for Gross Violation of Human Right During The New Order Era

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Abstract: Efforts to encourage accountability cases of gross human rights violations of the past regime in Indonesia is part of measures to ensure the enforcement of the rule of law and the principle of protection of human rights are fully guaranteed by the Constitution NRI 1945. However, post-reform to date, these efforts were never implemented properly, fairly and worth. So that the expected substance accountability can never be realized. This article will briefly: 1) Explain the importance of law substance to state responsibility for cases of gross violations of human rights of the new order for the Indonesian nation. 2) Describe the efforts accountability cases of gross violations of human rights of the new order that has made post-reform. 3) Invent the ideal legal concept of accountability cases of gross violations of human rights of the new order. With the use of normative juridical, socio-juridical, conceptual and methods of case approaches obtained results, among others: A) State responsibility to the new order of gross violations of human rights cases has three aspects: philosophical, sociological and juridical. B) The commitment of the state in implementing policies to account for the legal cases of the past is always incomplete, is not optimum and likely to fail. C) The perfect concept of accountability of the new order gross violations of human rights cases, especially for the case of kidnapping of activists in 1998, shooting Mysterious (Peter), riots in May 1998, shooting of Trisakti and Talangsari 1989 forwarded the process to be resolved through judicial mechanisms of human rights because most these cases have entered the early stages of the criminal justice system of the human rights commission investigation is stalled in the process of investigation by the Prosecutor. As for cases of human rights violations in 1965, Gross Human Rights Violations in Aceh (1976-1998), severe human rights violations in East Timor (1975-1999), severe human rights violations in Tanjung Priok (1984) and Serious Violations of Human Rights in Papua (1965-1998), settlement through the Truth for Reconciliation Commission

1. Introduction

Constitution of the Republic of Indonesia (UUD NRI) of 1945 is the main foundation of the nation and the government of Indonesia to act. The basic constitution explicitly set the basis of the livelihood of the people and the nation state of Indonesia. One among the many basic agreement in writing contained in the Constitution of the Republic of Indonesia, among others, is an affirmation of Indonesia as a state of law (rechtstaat) according to the wording of Article 1 Paragraph (3) Constitution NRI 1945 that "Indonesia is a law of state." Because of the constitutional mandate, the various legislation are rise to support every action in the whole life of the community and the state to keep rely on the law. Thus, we can conclude that there is no state law without the government acting under the law. Also there is no state law if no guarantee against human rights because that's the obligation of government to enforce the law and guarantee the protection of human rights is one of the main clauses in the basic constitution of the Republic of Indonesia. Therefore, the rule of law and accountability of any person or entity for violation of law and human rights (human rights) should be one of the main agenda to be implemented.

In the case of human rights violations and even state crimes, including cases of gross violations of human rights that have occurred, especially in Indonesia, there is a series of state measures that allegedly deliberately carried out on the new order. Various such cases up to now failed to escape and accounted for fair and equitable when serious violations of human rights are clearly still have to be accounted for according to the rules. Gross violations of human rights is one of the most serious crimes of international concern, among others because of a violation of jus cogen and hostis humani generis so it can not be ruled out (overriding norms).

II. DISCUSSION

A. Definitions

Cases responsibility of gross violations of human rights actually regulated by law in the mechanism of

The formulation of the Constitution to guarantee settlement of cases of human rights violations are also implemented by the consent of the People's Assembly by issuing Decree No. VIII / MPR / 2000 on the "Annual Report of High Institution of State at the Annual Session of the Assembly of the Republic of Indonesia Year 2000". In this assessment, particularly with respect to human rights, the Assembly notes as follows:

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**c. Case Completion of Human Rights Violations**

Completion of cases of human rights violations still seem slow, discriminatory, and unfinished while the practices of human rights violations persist even abuse often occurs enforcement efforts Human Rights.

The Human Rights Court Act also in line with formulation of the National Medium Term Development Plan (RPJMN) 2015-2019 launched by the new government under President Joko Widodo in which planned to set up a mechanism to handle the presidency of past human rights violations.

However, because in cases of gross human rights violations past also has a political background, the possibility of completion mix between judicial and non-judicial, or political and legal as in the proposed establishment of human rights courts by Parliament even mix between judicial and non-judicial complementary to implement transitional justice achievement.

**Figure 1**

State of Law Doctrine and Completion of the New Order Human Rights Violations

Cases responsibility of gross of human rights violations arose because one of them there is a responsibility of the state and the human rights obligations of the state over its citizens. State responsibility is a principle in international law that governs the onset of a country's liability to the other countries that have been codified and adopted by the International Law Commission (http://www.un.org/law/ilc/introfra.htm) in the ILC Draft Articles on State Responsibility, the ILC's 53rd Session, Geneva, 2001. The responsibility of the state emerged from the obligation of the state (state obligation) is not limited only to ensure the application of the rights but also ensure its implementation (http://www.ijir.org/index.php/ijir/article/view/43).

Responsibility and obligation of the country gave birth to the deliberate actions of the state in the form of a policy (state policy) is defined as a series of interrelated decisions taken by a political actor or group of political actors with regard to objectives that have been along ways to achieve them in a situation where the decisions were in principle still within the limits of authority of power of those actors. One of the responsibilities of the state are state obligations in human rights-related duties of its citizens (http://www.ijir.org/index.php/ijir/article/view/43).

The obligation of the state in carrying out the task rights of its citizens at least focused on three things: the state's obligation to respect, protect and fulfill the rights of every citizen. The state's obligation to respect human rights spread in three levels namely at the level of primary form of state obligations to respect the rights of citizens can not be reduced under any circumstances (non-derogable rights), secondary level in the form of the state's obligation to respect the rights of citizens who in certain situations could be limited (derogable rights) and tertiary level in the form of state obligations to respect the rights of citizens in economic, social and cultural (Richard Pierre Claude, Burns H. Weston, 2006: 175).

In the national context, the human rights obligations of states under Article 71, Law 39 of 1999 on Human Rights. In the article it is clearly stated that "the Government is obliged and responsible to respect, protect, uphold and promote human rights stipulated in this Law, other legislation and international law on human rights ratified by the Republic Indonesia. "The shape of the implementation of the government in the matter of human rights obligation is also made clear in Article 72 that mentions that" The duties and responsibilities of the Government includes the implementation of effective measures in the field of legal, political, economic, social, cultural, defense and security, and other fields”.

With these provisions, the post-reform government could not detach himself from the effort to implement the accountability cases of gross human rights violations that occurred in the past, especially in the New Order regime (1965-1998).
New Order is defined as the reign of President Suharto in Indonesia, which lasted from 1968 to 1998. New Order replaced the Old Order that refers to the era of Soekarno (http://id.wikipedia.org/wiki/Orde_baru) which in many studies, transition power is called a coup carried out by crawling (creepin coup) (Sukmawati Sukarno, 2011: 12). New Order is present with the spirit of "total correction" of irregularities by Sukarno's Old Order. But what happened was not better because there are various abuses of power such as the rampant corruption and cases of serious human rights violations which caused many casualties.

Violations of Human Rights is defined as any act of a person or group of persons including the state apparatus either intentionally or unintentionally, or negligence unlawfully reducing, preventing, restricting, and human rights or deprive a person or group of persons is guaranteed by this Act, and did not get, or feared would not obtain legal settlement fair and correct, based mechanism applicable law. (Law No.39 of 1999 on Human Rights) In addition to the definition of human rights violations, Law No.26 of 2000 on Human Rights Court (HAM) also called the gross human rights violations (gross violation of human rights), which includes the crime of genocide and crimes against humanity (Articles 7, 8 and 9 of Law 26 of 2000 on Human Rights Court).

The official statement regarding the alleged human rights violations committed by the National of Human Right Commission (Komnas HAM) as an agency investigator as the wording of Article 18 of Law 26 of 2000. With the authorization of the criminal justice system simply appoint the Commission as an institution that states the existence of serious human rights violations in an event. By doing so, there is no institution that can declare or reject an event as a gross violation of human rights, including statements or rejection by the House of Representatives.

In the investigation report gross violations of human rights, the Commission concludes there has been a human rights violation at least 107 events which occur in the New Order era. These cases are the events of 1965, Mysterious shooting case, the case of Tanjung Priok in 1984, Talangsari 1989, cases of Trisakti shootings, riots in May 1998 and the case of East Timor.

Of the three typologies and periodicalize power of the new order, then the existence of cases of state violence can be traced to the new order of the events of 30th September movement and October 1, 1965 as a starting point trigger the occurrence of many serious human rights violations that took place thereafter until 1998.


Figure 2
Progress Position of legal responsibility cases of Gross Past Human Rights Violations

B. Crimes Against Humanity and Gross Violation of Human Rights in the Indonesia Law System

In international law develops two views of the discourse of human rights violations, namely:


When viewed in the context of international rules and norms, then the gross human rights violations could be interpreted as a violation of the rights of the most fundamental human that can not be reduced under any circumstances (non-derogable rights) as set forth in the Covenant on Civil and Political Rights (ICCPR). Those rights include the right to life (Article 6), freedom from torture (Article 7), the right not to be enslaved (Article 8), the right not to be imprisoned for inability to civil (Article 11), the right not to be punished for application of the principle of retroactivity (article 15), the right to recognition as a person before the law (article 16), and the right to freedom of thought, conscience, and religion (article 18).

In addition to non-derogable rights, gross violations of human rights in this context also includes acts that violate the norms of jus cogens as an international consensus that should not be violated.

2) Gross violations of human rights in the context of international criminal offense. Context-related offenses international crimes,
gross human rights violations could be interpreted as a violation of the rules and norms of the international community that has been categorized as a crime (international crimes) both serious (serious crimes) and extraordinary (extraordinary crimes). At first, a gross violation of human rights set forth in international regulations refer to the various rules and norms in writing either the statutes of the Nuremberg and Tokyo where crimes against humanity (crimes against humanity) is one crime against peace (crimes against peace) and war crimes (war crimes), CF Nilson looked at crimes against humanity can be seen as a criminal law response to serious human rights violations (Alette Smeulers, Fred Grünfeld, 2011: 86).

Indonesia's domestic efforts to adopt a clause of crimes against humanity (Crimes Against Humanity) contained in the Law on Human Rights Court No. 26 of 2000 which regulates the crime in special courts for human rights violations are severe.

Specifically, there are three reasons for the establishment of Law No. 26 Year 2006 on Human Rights Court, such as: (explanation of Act number 26 of 2006 on Human Rights Court, State Gazette No. 4026).

a. Human rights violations are serious "extraordinary crimes" and broadly impact both on the national and international levels and is not a criminal offense regulated in the Code of Criminal Law and inflict material and immaterial losses resulting insecurity good to individuals and society, so it needs to be restored in the realization of the rule of law to achieve peace, order, peace, justice, and prosperity for all the people of Indonesia;

b. To cases of human rights violations that required severe measures of inquiry, investigation, prosecution, and examination of the specific nature of specialization seen in:

1) It takes a team of investigators to establish ad hoc, ad hoc investigator, prosecutor ad hoc and ad hoc judges;
2) Required assertion that the investigation is only carried out by the National Commission on Human Rights, while the investigator was not authorized to receive reports or complaints as stipulated in the Law on Criminal Procedure;
3) Necessary provisions regarding certain period of time to conduct the investigation, prosecution, and examination in court;
4) Necessary provisions regarding the protection of victims and witnesses;
5) Necessary provisions insists there is no expiration for human rights violations are severe.

c. Serious human rights abuse, especially genocide and crimes against humanity can use the retroactive principle is not used in ordinary criminal act solely in order to protect human rights itself is based on Article 28 A (2) of the Constitution of 1945. Therefore, this law also governs the ad hoc Human Rights Court to examine and decide cases of human rights violations that occurred prior to the enactment of this Act.

With the confirmation, then a variety of serious human rights violations, including that happened in the past can not be placed as an ordinary criminal case. Due to the special provision, gross violations of human rights form a separate criminal justice system as the criminal justice system of human rights. HAM criminal justice system refers to a system of "half room". This is because, the criminal justice system is not fully human rights refers to the Human Rights Court Law No. 26 of 2000 (Human Rights Court Act) but also still refers to the Code of Criminal Procedure postscript is ordinary criminal law guidelines. (Article 10, 26 of 2000 on Human Rights Court Act. LN 208, TLN 4026).

Human Rights Court Act substantively included in the criminal law because it contained material criminal law and formil criminal law at once. This indicates that these laws actually walk in the broad framework of the criminal justice system. However, the difference is, the presence of other agencies or institutions that act as law enforcement officers are not different from that typically found in a criminal justice system. Such as the appointment of the Commission as an investigative agency in cases of human rights violations. (Article 43, Law 26 of 2000 on Human Rights Court. LN 208, TLN 4026).

Figure 3
Scheme of Indonesia Criminal Justice System of Human Right
C. The importance of accountability Cases Serious Violations of Human Rights of the New Order

Some experiences accountability halfhearted, apparent even diverting intends to rescue the perpetrators obviously will never be able to touch the purpose of achieving justice. This is because, the state demanded accountability and shared dikhlasanakan does require commitment, cooperation, sincerity and courage of all parties to seriously terminate and cut off his dark past has always been a stumbling block for the future progress of a nation. Although difficult, this prerequisite remains non-negotiable, but can be conditioned gradually. The importance of state accountability in cases of gross human rights violations of the new order is correct, fair and should at least be able to

a. Reveal the truth of an event.

Disclosure of the truth not only gives complete knowledge of events but also give separate recognition not only for the parties involved but also for a truth and courage to be honest. The importance of a formal recognition is also seen to be strong, especially because during the rebuttal, burial and formally and massive deflection has done extremely deep. Some observers measure the need for official truth, and then the precision of a truth commission, by comparing the extent to which a government tried to hide the true nature of the regime. Aryeh Neier stated that the need to find the truth is determined by how hidden atrocities (Priscilla B. Hayner, 2001: 26).

Crimes and atrocities committed by the ruling party usually followed by attempts of fraud, embezzlement and blurring. Some governments try to maintain international legitimacy of the version history of violent crimes All things about the authorities sought to be indisputable. Therefore, if fraud against the truth of the past history of a continued infringement, the disclosure of the real truth has gained a great importance to do. It could be in the disclosure of the truth that is done on the one hand does not bring new facts about an event. This situation usually experienced by victims even as the actual perpetrators of an incident are revealed. But on the other hand, the disclosure of the truth that there are no new facts had actually been unpacked undisguised truth and refute the lies that have been widely recognized and has always spoken of the community as a version of the truth. In an event of gross violation of human rights which the civilian and military personnel involved in a brightly lit in the past, has successfully buried only with the repressive actions of despotic governments (Nigel Biggar, 2003: 157). At this point, the process aims to stop the disclosure of truth and untruth fear that continued into the history silent.

Formation history of the state monopoly of information is often preceded by, followed by a series of indoctrination about the version that should be owned by the community. The Movie of "Indonesia Communist Party Rebellion" is an example that the New Order state, deliberately and systematically want to preserve the memory of even the public hatred of the other versions of the events of 1965 gradually began to open.

In the context of legal liability, disclosure of the truth is one of the materials to be achieved to be a material other material in subsequent processes such as identifying the perpetrators and provide the rights and recognition of the victims. Thus, the reluctance of the state to open the correct version of history that in fact is not only an evasion manipulating and history but also a systematic action to bury all attempts liability (Robert B. Pippin, 2005: 131).

b. Identify the perpetrators

As soon as an incident of violence, correctly and officially announced, it is almost certain, the explanation would bring the parties who are involved either directly or indirectly. Identification of the perpetrator is a necessity of a series of revealing the truth. Moreover, there will be no event without preceded by a perpetrator's actions are causing casualties. Therefore, the responsibility by the State in the case of past human rights violations should not be done half-heartedly to cover up who the real parties and individuals who should be responsible. Obscuration on this matter by the same countries refuse real accountability.

There are never exact reason of responsibilities neglect past violence unless their intent to harass legal and sort of punishment (unequality before the law) for allowing the perpetrators can not be touched by media accountability. Soon after a violent event, officially, announced, then almost certainly, the explanation would bring the parties who are involved either directly or indirectly.

c. Give recognition to victims

A fundamental difference between justice and truth-telling mechanisms such as a truth commission is in the nature and scope of their attention on the victims. If within the justice system primarily serves to examine the specific actions of the accused perpetrators. So on accountability through truth-telling mechanism to provide flexibility over which no formal to the victim to pour the entire memory to be recorded and tested in the public hearing process. Since forming starting in 1970-1989, two of the seven existing Truth Commission, provide public hearing. Meanwhile, the rest did close the hearing. The tendency of increase in the period 1989-1999, of which there are four Truth Commission presents a public hearing. Meanwhile, the rest did close the hearing. The participation of victims is increasing with the public hearing held during the period of the formation of the Truth Commission 22 2000-2009, where fifteen existing Commission presents a public hearing (Holly L. Guthrey, 2015: 21).
d. Locate and identify damage bureaucracy

New Order state violence is a systemic orchestration engines launched by both civilian and military bureaucracy. Use of bureaucracy as oppressors engine and other power objectives clearly not only contrary to the proper purpose of the service bureaucracy but also has established a culture and bureaucratic structure that puts people as enemies of the state.

Such a mindset will not be restored by sporadic and partial measures. Focus reform the Armed Forces at the time your body that produce the separation between the military and police and disarm the military role of business conducted was not propagate to the elements and other elements of the bureaucracy.

The public is not aware that Kopkamtib disbanded because the agency has become the main force of the New Order tool which coordinates almost all bureaucratic institutions as a way to promote violence.

By obscurity concept on bureaucratic reform aspect, of course, could easily guess how chaotic and lack of bureaucracy in the public service.

Thus the state as a political entity can perform any steps to meet the various demands accountability, ranging from political, legal and other state action. This has also been taken by countries around the world in responding to the demands of public accountability to a series of state crimes that occurred in the country.

e. Prevent the recurrence of violence and abuse of power.

How can crime be reduced, the next question to be answered by an attempt to reveal the truth. Disclosure of truth in this aspect aims to ensure the guarantee is not the repetition of violence in the name of any country (Rosario F. Layús, 2010: 20).

Police officers are still promoting violence, the murder of Munir without the perpetrator is identified, violence and crime without perpetrators of such high levels of corruption and such untouched, is a continuation of a series of uncertainties due to the completion of the accountability of state violence in the past.

Figure 4
Responsibility Urgency

The whole process appears on the past efforts of state responsibility would clearly not contribute a little bit not only for the cessation of systematic state violence but also a guarantee for a repeat of the violence itself in the present. This is partly because the actors perpetrators of violence in the past not only feel invulnerable in the eyes of the law but also confident that the law will not be able to stop their crimes.

State responsibility as the real key words must be understood as any action taken in various ways in order to put an end to all claims and demands arising. Thus the state as a political entity can perform any steps to meet the various demands accountability, ranging from political, legal and other state action. This has also been taken by countries around the world in responding to the demands of public accountability to a series of state crimes that occurred in the country.

D. The Cases Responsibility Concept of the New Order Gross Violations of Human Rights

With a variety of issues and challenges that have been reviewed previously, then a formal mechanism for disclosure of the truth about human rights violations that occurred in the past continues to be relevant in the current context. Truth must be the foundation for the achievement of the recovery of victims' rights, reconciliation between all the parties who have been affected by state policies that violate human rights and take part in human rights violations, as well as being the basis of the policy change and improvement of institutions that have resulted human rights violations in the past. This truth should be the starting point for the renewal of the nation, for the realization of justice and democracy in Indonesia.

The commitment of the state in implementing policies to account for state crimes cases always incomplete and failed. The absence of the concept, commitment, consistency and cooperation, including in the face of potential interference turned out to be more visible. Even in this country has become a save player with sorting out the various steps safely run with the human rights agenda does not clash with acute illness and wash away within him. This step is also being done by a handful of people in the government "get around" a forum called them as a mechanism of accountability but bersubstansi similar to simplify the problem because some of the main prerequisites, namely the disclosure of truth, justice parameter to be achieved as well as a fundamental reform of the structure and culture of recovery bureaucracy is not addressed properly.

Committee on settlement policy makes versions Attorney General and Human Rights Commission, the moment as it contains goodness. But the fact is otherwise. Completion of the half-hearted, improper handling, destination-oriented justice makes a lot of time, effort, cost and resources of the state
increasingly scattered aimlessly because there is a lot of significance to the improvement of the nation. Even one after another, sin and damage to the body of bureaucracy as a bribe, brokering case, a wave of corruption of high state officials as a result of not touching the bureaucracy improvement of the results of the disclosure of the truth to the surface pushed back completion and treatment demands. Elsewhere, the government's half-hearted action settlement that also does not give lessons and still regard violence as the best way of handling a problem, dialogue and mediation is considered as an obsolete and not be the best way for anyone Completion.

The reluctance of the government to provide real justice also have serious consequences for the destruction of the legal systems and cultures. At the highest level, legal entanglement for officials only become a toy in the discourse of political opponents bluffing. Siding with the justice solely just to intimidate parties bersebarangan or into a counterattack. At this point the settlement insistence past gross human rights violations discovered his true enemy: the impunity of perpetrators (impunity) that are backed up state.

Komnas HAM has conducted over at least five pro-justisia investigation. Report the results of these investigations have been submitted to the Attorney General to be followed up with an investigation and prosecution. From a number of cases that have been completed under investigation by Komnas HAM, the two cases which have been followed up and resolved through ad hoc Human Rights Court, which is the case of gross human rights violations in East Timor post-poll 1999, and cases of serious violations of Talangsari, Lampung has not followed an investigation by the Attorney General on the grounds the impurity of perpetrators (impunity) that are backed up state.

The truth commission was formed based on the past experiences of violence in each country. From the context and the experience, the country seriously wants to finish his past correctly, appropriate and fair then formulate the name, mandate and authority of different types of crimes committed against diusuthnya. Even so, the commissions it dipertautankan one common characteristic. Almost all of the obstacles that occur for the implementation of a truth commission, especially at the stage of implementation of the recommendations emerging from violent groups that act specifically military refused to even oppose the work of the commission.

For pragmatic group, forgiveness is considered as a 'national reconciliation'. Yet forgiveness is only a fraction of reconciliation in order to build the future. Another important part is the narrative truth of past events, trauma and psycho social rehabilitation of victims as well as the sterilization of personal and bureaucratic structure of state violence. An sich forgiveness not only unconstitutional, because the President recognized constitutional right to pardon should not include people who have not been convicted, including in the case of Soeharto. Such forgiveness is not considered appropriate modern future be a privilege of the President for the rights over preserving cultural remnants of the government of the monarchy should be abolished.

Because of the importance of resposibility, foreign government- groups whose citizens became victims of the Dirty War in Argentina even perform individual claims against the former military regime. France, for example, has mengusahkan extradition on Captain Alfredo Astiz for the kidnapping and murder
of its citizens, including nuns Leonie Duquet. (Naomi Roht-Arriaza, 2006: 122). Adolfo Scilingo, a former Argentine navy officer, was convicted in Spain on April 19, 2005, and sentenced to 640 years on charges of crimes against humanity. (Helen Fein, 2007: 88).

E. Commission on the Truth for Reconciliation

Once again it must be stressed that, a truth commission is the official government agency formed to have the following characteristics: (1) focusing on the past; (2) investigate patterns of violations over a period of time, not a specific event; (3) are temporary, usually working for six months to two years, and completed their task by providing reports; and (4) was officially established, agreed and given power by state (and sometimes also by armed opposition as part of a peace agreement). This official status gives access to a broader truth commission on the source of official information, more security to run the sensitive investigations, and a greater likelihood that the reports and suggestions will get serious attention by the government.

With such provisions, the committee established Attorney General and the National Human Rights Commission to resolve cases of past human rights violations in Indonesia with reconciliation as its main focus actually very weak and almost certainly will not give the correct destination settlement, worth much less fair. Moreover, for cases that have been investigated and the Human Rights Commission is in the "table" the Attorney General.

As for the case in 1965, the settlement can be done through the Truth for Reconciliation Commission of the draft, mandate, mission and authority in His committee is very different with the Attorney General and the National Human Rights Commission. The term "truth commission for reconciliation," an assertion no reconciliation without truth is worth. The name also means that the disclosure of the truth preceded by a fair and true reconciliation should then be addressed.

The Truth in Commission established in various parts of the world generally give full attention to the victims therefore, truth commissions are also given the authority to carry out a policy of reparations in the form of rehabilitation, restitution and compensation for the macro to be implemented technically by other state agencies. By contrast in terms of the amnesty, the commission is not authorized to provide immediate amnesty, but could only give a recommendation to the terms and strict procedures.

III. CLOSING

A. Conclusion

State responsibility over cases of gross human rights violations of the new order is officially the strong legitimacy of government will at least be able to: [1] Reveal the truth of an event. It is also associated with the rights to know the community; [2] To identify the perpetrators; [3] Giving recognition to the victims [4] Finding and identifying the bureaucracy damage due to abuse in the past to be restored. [5] To ensure the certainty of the non-recurrence of violence and abuse of authority in the country today. All of this accountability targets will only be successful if implemented correctly and worth (right and proper).

Some experiences accountability halfhearted, apparent even diverting intends to rescue the perpetrators obviously will never be able to touch any of the above objectives overall. This is because, accountability countries referred to in this mechanism does require commitment, cooperation, sincerity and courage of all parties to seriously terminate and cut off his dark past has always been a stumbling block for the future progress of a nation. Although difficult, this prerequisite remains non-negotiable, but can be conditioned gradually.

With the political situation of impunity which is still strong in the structure and culture of governance in Indonesia the ideal concept of state responsibility over cases of gross violations of human rights of the new order in particular to the case of kidnapping of activists in 1998, shooting Mysterious (Peter), riots in May 1998, shooting of Trisakti and Talangsari 1989 carried out by continuing the legal process to be resolved through the judicial mechanism HAM. Moreover, the majority of these cases have been included in the initial stage of the investigation the Commission that some cases were stalled in the process of investigation by the Prosecutor. As for cases of human rights violations in 1965, Gross Human Rights Violations in Aceh (1976-1998), severe human rights violations in East Timor (1975-1999), severe human rights violations in Tanjung Priok (1984) and Serious Violations of Human Rights in Papua (1965-1998), settlement is done through the Truth for Reconciliation Commission.

B. Suggestions

Human rights violations that occurred in the past should be a serious concern for rearranging identity, dignity and Indonesian sovereignty as an independent nation. To that must be resolved in a manner that is fair, appropriate and dignified.

President should immediately ordered the Attorney General and the National Human Rights Commission in order to prepare the ingredients the investigation into the serious human rights violations that have been completed to continue the process of investigation and so on.

The government should immediately scheduled a truth commission bill with jelly, careful, earnest and pay attention to the voices of victims and communities who are committed to the resolution of
past human rights violations are fair and appropriate, to be used as the basic for the quality goes to the Truth Commission Reconciliation.

The government will soon prepare infra and supra structure for the reparation of victims of gross human rights violations in the form of rehabilitation, restitution and compensation.

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