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The Aceh Truth and Reconciliation Commission's Role in Investigating Alleged Human Rights Violations and Grave Human Rights Violations in Aceh

Dian Eriani¹; Halimatun Sa'diah¹; Bella Dalila¹; Chalik Mawardi²; Faisal²

 $^{\rm 1}\,{\rm Faculty}$ of Law and Syaria, Universitas Islam Kebangsaan Indonesia

² Faculty of Law, Universitas Sebelas Maret, Indonesia

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Abstract

With the signing of the Helsinki Memorandum of Agreement, the Free Aceh Movement (Gerakan Aceh Merdeka/GAM) and the Indonesian government renewed their agreement, giving rise to the Aceh Truth and Reconciliation Commission. The government of Aceh established the independent, nonunderlying organization known as the Aceh Truth and Reconciliation Commission, whose mission is to settle conflicts inside Aceh. Article 299 of Law Number 11 of 2006 concerning the Governance of Aceh regulates the existence of the Aceh Truth and Reconciliation Commission, and Qanun Number 17 of 2013 concerning the Aceh Truth and Reconciliation Commission elaborates on this further. This work is done in order to make the present struggles' reality more understandable. Field research, or empirical research methods, are used to collect primary data through interviews and then use a qualitative analysis method to examine the collected data. Finding the truth and exposing instances of grave human rights violations is the Aceh Truth and Reconciliation Commission's responsibility. The research findings show that the commission's database has shortcomings as a result of the Aceh Truth and Reconciliation Commission responsibility to look into human rights breaches that conflicts with the AcehTruth and Reconciliation Commission policy about the ability to compel witnesses or individuals to appear in person. The Human Rights Court, in compliance with Human Rights Court law, is the authority that has the jurisdiction to decide cases of violations of human rights. Since the Truth and Reconciliation Commission is a non-legal organization and the Human Rights Court is a judicial entity, there is a discrepancy in power in this case. The Indonesian government and legal authorities should reevaluate this. In order to present a comprehensive picture of the human rights violations that took place during the Aceh war, including the location, time, patterns, and reasons behind torture occurrences, as well as to examine the causes and events that led up to them, investigation and field study are done as part of the Truth Disclosure. The objective is to formulate suggestions and insights derived from the factual conclusions of the Aceh Truth and Reconciliation Commission concerning the reality of torture committed throughout the conflict. Three incidences in Indonesia that President Joko Widodo identified as grave human rights abuses are recommendations from the Aceh Truth and Reconciliation Commission to the Human Rights Enforcement Team, which was established in accordance with Presidential Decree No. 17 of 2022.

Keywords: Role; The Aceh Truth and Reconciliation Commission; Grave Human Rights

Introduction

Indonesian territory known as Aceh is located in the westernmost point of Sumatra. An event that took place in Aceh on December 4, 1967, will live on in the memories of the people who live there. The Free Aceh Movement (*Gerakan Aceh Merdeka*/GAM), led by Hassan Di Tiro, planned to disseminate its message and withdraw from the capital on that particular day. (Kontras, 2006). The Free Aceh Movement is closely linked to the long-running conflict between Aceh and Indonesia. The dispute worsened when the unified Indonesian government investigated and appropriated flammable gas in North Aceh. The current state of affairs is plagued by a lack of appropriation equivalent to excess value, which drives the unrelenting need experienced by Acehnese. The motivation behind The Free Aceh Movement was to isolate Aceh from the rest of Indonesia and restore Aceh Merdeka as a substitute condition for Aceh's territorial greatness. (Sari et al., 2019).

It is on record that in 1977 there was opposition by The Free Aceh Movement which was seen as resistance to the central government. In June 1977, government security agencies went to war against The Free Aceh Movement. Furthermore, strangely enough, the mental battle was not just for the common man. Many have been severely tortured by the central security forces for failing to help or join The Free Aceh Movement. Various arrests, tortures, etc. were then completed by the Public Authority Security Forces against Acehnese people.

In order to help counter-insurgency operations, the Indonesian government oversaw the chase, the trafficking of weaponry, and the searches of The Free Aceh Movement hideouts between 1976 and 1989. Kidnappings, violent crimes, and murders were only a few of Aceh's egregious human rights abuses. The military intended to hold young males who were allegedly connected to the missing, some of whom would subsequently be discovered deceased. (Hasnawati, 2020).

Because the conflict lasted so long, the central government began a tactical crisis in 2003–2004 and revealed the circumstances of the Military Operation Area (*Daerah Operasi Militer*/DOM) in Aceh from 1989–1998. In the meantime, in the Aceh region, mutual freedom violations were carried out by the military and The Free Aceh Movement public officials. (Putri, 2018).

Conciliatory talks between The Free Aceh Movement and the central government finally took place in Helsinki on August 15, 2005, following a protracted impasse. The outcome of these talks became known as the Helsinki Memorandum of Understanding. "A Reality and Compromise Commission will be established in Aceh by the Indonesian Truth and Compromise Commission with the task of seeking and deciding on compromise efforts" is the third provision in the Memorandum of Understanding (MoU) between The Free Aceh Movement and the central government that addresses three places of arrangement regarding basic freedoms.(Anonimus, 2022).

In the context of implementing the Helsingki MoU, the presence of the Aceh Truth and Compromise Commission is to reveal the facts of past conflicts, as an effort to better understand human rights violations in Aceh during the conflict, so that the existence of the Aceh Truth and Compromise Commission can reveal and resolve human rights violations.

The presence of the Truth and Reconciliation Commission foundation was strengthened by the birth of Aceh Qanun No. 17/2013 on the Truth and Reconciliation Commission. The Public Truth and Reconciliation Commission has existed since it was regulated in Regulation No. 27/2004 on the Truth and Reconciliation Commission. (Republik Indonesia, 2004), later this regulation was revoked by the Supreme Court's choice number 006/PUU-IV/2006, the revocation of this regulation was expected both in the implementation of standards in the field and in the standard plan, it is unreasonable to expect to achieve the normal goal of compromise as the first motivation behind the establishment of the law.

The Qanun on the Aceh Truth and Reconciliation Commission is considered unconstitutional and should be repealed because it is not restrictive. The presence of the Aceh Truth and Reconciliation

Commission at this time is very important for justice seekers, especially victims of disputes related to efforts to reveal the truth related to violations and violations of collective freedom in the past. The purpose of establishing the Aceh Truth and Reconciliation Commission is to uncover the truth by listening to victim and witness testimonies of events that occurred in 12 districts and cities in Aceh Province.

Given the consequences of examination and corroboration, the Truth and Reconciliation Commission confirmed that of the 3,040 survivors of violations of fundamental freedoms in Aceh, 192 victims were considered missing. (KKR Aceh, n.d.). To date, by looking at the results of recognizable evidence and examinations, the Truth and Compromise Commission has performed well as an organization capable of conveying reality to victims of fighting in Aceh. Therefore, the expert would like to investigate this issue further by directing the investigation towards the Truth and Compromise Commission under the title "The Presence of the Truth and Compromise Commission in Uncovering Cases of Alleged Violations of Freedom of Association in Aceh".

Research Method

To answer the above issues, this study uses empirical juridical methods (field research) to obtain important data. According to Soemitro, "how to address issues related to juridical issues with existing realities" (Soemitro, 2003). Experimental exploration is geared towards obtaining important information through direct encounters with respondents and interviewees. The information obtained is then examined using subjective methodology, this strategy is used to create clear investigative information. Oral and written materials from interviews with respondents and witnesses were then examined relentlessly as a unified whole.

Result and Discussion

An independent organization called the Aceh Truth and Reconciliation Commission was established to investigate the truth about fundamental liberties being violated in Aceh during military conflicts. In addition to suggesting additional tasks and compensation, the Aceh Truth and Reconciliation Commission also fosters compromise. When equity authorities establish cases pertaining to victims, offenders of basic freedom violations, locations, and timing, the Aceh Truth and Reconciliation Commission recognizes collective freedom violations. The Aceh Government Regulation No. 11 of 2006, which gave rise to the Aceh Regional Regulation No. 17 of 2013 concerning the Truth and Reconciliation Commission, established the Qanun of the Aceh Truth and Reconciliation Commission as a legal organization.

- 1) Obligations, Capabilities, Specialization and Presence of the Aceh Truth and Reconciliation Commission
- 2) The non-aggression agreement between the Indonesian Public Authority and The Free Aceh Movement in the Helsinki Update of Understanding gave position to the legal system as the Basic liberties Court and the extra judicial component as the Truth and Reconciliation Commission in Aceh to regulate violations of collective freedoms in Aceh during the period of dispute and has been specified in Law Number 11 of 2006 and gave birth to the 2013 Aceh Qanun Number 17 related to the Aceh Truth and Reconcilitaion Commission. The foundation of the Basic Liberties Court and the Truth and Reconciliation Commission in Aceh is inseparable from the obligations of both the Aceh government and the central government to address violations of basic liberties and support victim privilege, particularly the fact, that the Right to Equity and Victims.

There are several working standards of the Aceh Truth and Reconciliation Commission, including (Indria Fernida dan Feri Kusuma, 2017):

- a) A proximate truth-seeking process was organized and completed in Aceh, the main objective of which was to trace the reality and correct the historical background of past disputes in Aceh;
- b) The Truth and Reconciliation Commission has the ability to examine violations of collective freedom by either party to the dispute and has adequate safeguards to ensure fair-mindedness and autonomy.
- c) Conducting Truth and Reconciliation Commission commands at the most basic level;
- d) Compromise processes based on groups of people enable compromise on past freedom violations at the closest level; and
- e) It is an extralegal component, while the legal instrument refers to the 2000 Regulation on the Court of Common Liberties.

The working rule of the Aceh Truth and Reconciliation Commission is to reveal reality. The commission must ensure basic freedoms (rights), focus on non-partisanship and be free from existing disputes. There are those who are detached from the standards of the Aceh Truth and Reconciliation Commission, because in such cases a person is forcibly taken without a warrant, it is due to the absence of data collection. Meanwhile, the power to resolve violations of collective freedoms lies with state institutions, for this situation the Human Rights Court under the Human Rights Regulation. (Wawancara Dengan Bapak Masthur Yahya, Sebagai Ketua KKRA, Pada 07 Juni 2022, Di Kantor KKRA, n.d.).

Experts differ on this point, arguing that the TRC works as an extrajudicial body while the Human Rights Court is a legal body. The Indonesian government and legal experts should think again. The obligations of the Truth and Reconciliation Commission itself are manifold and it has fulfilled the prerequisites to deliver reality, among others:

- a. Instrument action course;
- b. Accumulation of data:
- c. leading the research;
- d. Obtain data and other evidence;
- e. to provide security;
- f. to keep records; and
- g. the side effects of the report are related to the most common way to uncover the reality of violations of fundamental freedoms in Aceh; and further:
- h. Submission of the final report to the Aceh Public Bodies, the Aceh Chamber of Nations, Indonesian Public Bodies, local and public freedom experts.

Laypeople greatly appreciate the responsibility of the Aceh Truth and Reconciliation Commission board to support the impressive skills and effectiveness of the Aceh Truth and Reconciliation Commission. Within a year, the Aceh Truth and Reconciliation Commission received several scores, including:

- 1. The Aceh Truth and Reconciliation Commission has opened secretariats and each secretariat consists of 12. The Aceh Truth and Reconciliation Commission also received 5 billion rupiah for 2017. It also includes team members to assist the seven commissioners in carrying out their duties.
- 2. The Aceh Truth and Reconciliation Commission began conducting exercises in various districts and cities in Aceh and received a huge response from the local communities.
- 3. The Aceh Truth and Reconciliation Commissiondevelops a brilliant series of actions and work programs. The Aceh Truth and Compromise Commission has several arrangements that support the inner components of the reality-seeking process.

4. The Aceh Truth and Reconciliation Commission communicated and facilitated with several government organizations at the public level and within Aceh itself. The Aceh Truth and Reconciliation Commission established institutional organizations with National Commission on Human Rights and The National Commission on Violence Against Women to help establish the Aceh Truth and Reconciliation Commission.

The cases of alleged disappearances during the fighting received great attention from the Indonesian public and from the international region. Furthermore, the Aceh Truth and Reconciliation Commission should pay attention to the local area through groups of victims' relatives residing in Aceh Besar, Pidie, Pidie Jaya, Bireuen, North Aceh Lhokseumawe, East Aceh-Langsa and Aceh Tamiang, Bener Meriah, Central Aceh, Aceh Jaya, West Aceh and South Aceh whose families have yet to be found. From the affirmation of the Aceh Truth and Reconciliation Commission, it stands to reason that the unrelentingly engaged Aceh Truth and Reconciliation Commission will submit a full report on the aftermath of the hearings and proposals to the central government, Aceh government, public bodies/local governments and the DPRK/DPRK of Aceh with accompanying issues:

- a. Suggestions to fulfill important freedoms of the victim;
- b. Advice on public authorities' commitment to re-establishing victim privilege;
- c. Suggestions for concrete political commitments to public authorities;
- d.Propose that the Government and the Indonesian Parliament to ratify the provisions of the International *Convention for the Protection of All Persons from Forced Redundancy* (Wawancara Dengan Ibu Sharli Maidelina, Sebagai Komisioner KKRA, Pada 07 Juni 2022, Di Kantor KKRA, n.d.).

3) Gathering Factual Disclosure Information

The assessment cycle is conducted by the Aceh Truth and Reconciliation Commission in light of a standardized methodology co-created with the Aceh Truth and Reconciliation Commission's accomplices and a special rule referring to the Aceh Truth and Reconciliation Commission assessment. As the "heart" of the life of the Truth and Reconciliation Commission in Aceh. The most common ways of data collection, getting thoughts, looking at data endlessly as well as requests for records and data, the number of areas of the Truth and Reconciliation Commission and the possibility of accessibility during work were not fully determined at the beginning of the movement. Getting the data took a considerable amount of time and a year was accepted to write a good report. The execution report and perception report, started with exercises, data and highlights. This exercise is conducted in each workspace to present the Truth and Reconciliation Commission and its command and collect general data or preliminary data on the capabilities of the Forthcoming Assertion Provider concerned who is a direct observer of the incident or a direct victim of the episode and also the victim's family who knows the incident occurred.

Initially, the training on socialization and pre-handling was conducted as an extension of the data compilation on victims of past violations of fundamental freedoms provided by the community association (*Wawancara Dengan Ibu Sharli Maidelina, Sebagai Komisioner KKRA, Pada 07 Juni 2022, Di Kantor KKRA*, n.d.) as an accomplice of the Aceh TRC. Through this exercise, the Aceh Truth and Reconciliation Commission examines and collects outstanding data on the whereabouts of witnesses, victims and the Forthcoming Assertion Provider s whose declarations are supported by the Aceh Truth and Reconciliation Commission. At a later stage, all data obtained from the fundamental cycle was recorded, at which point the pre-conceived structure was printed as a working device for the Respondents' Viewpoints. From then on, preparing and directing conventional meetings to obtain data from the Forthcoming Assertion Provider for information and knowledge. The data obtained is placed into the statement structure and copies of meeting results and other notes are incorporated. About the data taken from the informant/witness including the accompanying, as follows (*Wawancara Dengan Ibu Sharli Maidelina, Sebagai Komisioner KKRA, Pada 07 Juni 2022, Di Kantor KKRA*, n.d.):

- a. Data relating to who gave the statement (whether the person concerned, the victim's family, members of the victim's family or witnesses who directly saw the incident) which includes the nature of the statement:
- b. Data relating to the event experienced and who will give the statement, inside and outside data on the event experienced with a list of questions (regarding where it happened, when it happened, who did and saw, how it happened and what was done);
- c. Data related to the victim which includes the personality of the person concerned, the year of the incident, the area of the incident, the situation of the relationship between the anchor and the victim and data related to the personality of the victim at the time of the episode. Data relating to who the perpetrator is, the time of the incident and the area of the incident as well as follow-up questions relating to associations or people, units and others; Data terkait dengan pelaku secara bersama-sama dan korban secara bersama-sama;
- d.Data related to witness data:
- e. Data relating to influence data at the time of the incident and after the incident and the need to cure (fix);
- f. Data related to Compromise;
- g. Data connected to the main beneficiaries;
- h. Data related to the condition of the statement provider (perception sheet);
- i. Minutes sheet and attestation sheet.

Since December 2017, the Aceh Truth and Reconciliation Commission has collected information in 5 working areas in the Aceh region (Aceh Besar Region, Pidie Region, Bener Meriah Region, North Aceh Region, and South Aceh Region). Moreover, in October 2018, the Aceh Truth and Reconciliation Commission expanded its working area to 7 new regions, including Pidie Jaya District, Bireuen District, Aceh Focus District, East Aceh District, Aceh Tamiang District, Aceh Jaya District, and finally West Aceh District. In completing this motion, the informant deliberately reported to the information-seeking official examples of alleged violations of collective freedoms that had been able to, hear, see and also see directly in the field as well as direct perpetrators of certain activities that were considered violations of basic freedoms.

Table 1.1 Region and Number of statements taken in the period 2017- March 2022

| No | Regencies | Outgoing Forms | Sign-in forms | Realization of statement - taking |
|----|--------------|----------------|---------------|-----------------------------------|
| 1 | South Aceh | 235 | 235 | 185 |
| 2 | West Aceh | 392 | 392 | 384 |
| 3 | Aceh Besar | 896 | 896 | 849 |
| 4 | Central Aceh | 271 | 271 | 239 |
| 5 | Aceh Tamiang | 252 | 252 | 237 |
| 6 | Bener Meriah | 368 | 368 | 310 |
| 7 | East Aceh | 372 | 372 | 335 |
| 8 | Langsa | 109 | 109 | 89 |
| 9 | Aceh Jaya | 490 | 490 | 466 |
| 10 | Pijay | 408 | 408 | 375 |
| 11 | Pidie | 686 | 686 | 615 |
| 12 | North Aceh | 799 | 799 | 723 |
| 13 | Bireuen | 410 | 410 | 371 |
| 14 | Lhokseumawe | 88 | 88 | 70 |
| 15 | Abdya | 1 | 1 | 1 |
| 16 | Nagan Raya | 15 | 15 | 13 |
| 17 | Banda Aceh | 2 | 2 | 2 |
| | Total | 5794 | 5794 | 5264 |

After completing all the insight cycles at various stages through speeches, data administration and documentation. This movement is a series of exercises to deeply examine all data and information collected by the Aceh Truth and Reconciliation Commission. In addition, the examination and coordination of data, research, documents, preliminaries and other data deemed applicable is completed. The coordinated examination understood the thought processes, structures and examples of violations of collective freedom, which will be remembered for the elaboration of the Aceh Truth and Reconciliation Commission's final proposal and report.

4) Field Checking in Revealing Reality

Another cycle that is completed in reality-finding by discovering reality on the ground is analytical work. The Aceh Truth and Reconciliation Commission review consisted of activities aimed at obtaining unambiguous (topical) information and data from inside and outside. This was aided through top-down and organized interviews, documenting research and overseeing awards from different meetings. The overview measures contained in the Data Manual are more of an assessment study to get a comprehensive picture of the various incidents of brutality in Aceh.

The Aceh Truth and Reconciliation Commission recognized three things to study. The Aceh Truth and Reconciliation Commission's underlying analytical exercise planned as a feature of working with topic certainty in subsequent examinations, is expected to (1) clearly know the violations of collective freedom that occurred, including the place, time, examples and thought process of torture episodes during the Aceh struggle; (2) dissect the variables of causes and events and the influence of torture on victims of the struggle in Aceh; (3) form suggestions and illustrations that can be drawn from the Aceh Truth and Reconciliation Commission's current reality of the reality of examples of torture during the Aceh struggle. The Aceh Truth and Reconciliation Commission established a group of examiners that may consist of untouchables deemed capable of accomplishing insightful tasks. The Aceh Truth and Reconciliation Commission concentrated on 3 issues, namely a) the issue of sexual crimes, b) the issue of enforced disappearances and c) the issue of the Sattis consulate in Aceh.

5) Recommendations/Suggestions for Human Rights Violations

Twelve cases obtained by President Joko Widodo (Jokowi) are gross violations of collective freedom in Indonesia, three of which are in Aceh. The report of the *PP HAM* Serious Group, which was formed based on Declaration Number 17 of 2022. This choice was made considering that the guarantee, promotion, implementation and fulfillment of basic freedoms (Human Rights) is an obligation of the state, especially public authorities. Significant past gross human rights violations that have not been fully remedied lead to legitimate vulnerabilities. To scrutinize past gross human rights violations in a free, fair, careful, courteous and complete manner, irrespective of the legal component by exposing the violations that have occurred, it is hoped that efforts to guarantee respect for human rights, to maintain public solidarity, and to ensure the protection of human rights will be made. (*Keputusan Presiden Nomor 17 Tahun 2022 Tentang Pembentukan Tim Penyelesaian Non Yudisial Pelanggaran HAM Yang Berat Masa Lalu.*, n.d.).

6) Guidelines for Serious Breaches of Public Opportunity

Twelve cases obtained by President Joko Widodo (Jokowi) are gross violations of collective freedom in Indonesia, three of which are in Aceh. The report of the *PP HAM* Serious Group, which was formed based on Declaration Number 17 of 2022. This choice was made considering that the guarantee, promotion, implementation and fulfillment of basic freedoms (Human Rights) is an obligation of the state, especially public authorities. Significant past gross human rights violations that have not been fully remedied lead to legitimate vulnerabilities. To scrutinize past gross human rights violations in a free, fair, careful, courteous and complete manner, irrespective of the legal component by exposing the violations

that have occurred, it is hoped that efforts to guarantee respect for human rights, to maintain public solidarity, and to ensure the protection of human rights will be made.

The three incidents in Tanah Rencong were the Rumoh Geudong and Pos Sattis incidents in 1989, the Simpang KKA incident in 1999, and the Jambo Keupok incident in 2003. Rumoh Geudong is a house that belongs to the majesty of the Acehnese people, a house built in 1818 by Ampon Raja Lamkuta on a land of 150×80 square meters. Certainly during the hours of the Dutch pilgrim invasion, the house was many times used as a place to organize the military system pioneered by Lord Lamkuta and his colleagues. Since April 1990, Rumoh Geudong has been a garrison (Sattis Post) near the Banda Aceh-Medan road, Bilie Aron Town area, Glumpang Tiga Local, Pidie. In Rumoh Geudong, the injustice against humanity perpetrated by the state apparatus without their knowledge has caused deep wounds to the people of Aceh and even outside Aceh. From Walk 1998 to the rest of the Tactical Duty Area on August 7, 1998, Rumoh Geudong became a detention position for more than 50 people blamed at the time for being involved with the Development of Free Aceh Security Upheaval Influence (Bakri, 2023).

The KKA crossing incident became a tedious disaster for the people of Aceh. The KKA crossing episode occurred on Monday, May 3, 1999, right at the PT Kertas Kraft Aceh (KKA) crossing in Dewantara sub-district, North Aceh region. 23 people were reported to have died in a disaster that is difficult to record the number of victims because some victims died on the spot and were immediately taken home by their families.

The case of Jambo Keupok is one of the towns in the happy town area of South Aceh. It began by confirming Jambo Keupok town as base for the Free Aceh Movement. On May 17, 2003, troops equipped with many rifles and several automatic weapons entered Jambo Keupok town, causing about 16 ordinary citizens to be tortured to death, shot and, surprisingly, consumed alive, and 5 others also faced the atrocities of the security forces.

These three cases are important for the proposed Aceh Truth and Reconciliation Commission which currently has 5,264 data on victims and their needs. Aceh Truth and Reconciliation Commission mentioned to *PP HAM* that this data will also be an obligation for the central government to develop a public strategy to localize survivors of violations of basic freedoms in Aceh. (Rizki Aulia Ramadhan, 2022).

Conclusion

Judging from the exploration directed by the Aceh Truth and Reconciliation Commission, the task of establishing the Aceh Truth and Reconciliation Commission in completing its obligation to reveal the truth of the victims of the Aceh struggle is still not ideal considering that the existence of the Truth and Reconciliation Commission in Aceh as an autonomous organization is not guaranteed to reflect its tendencies as an autonomous organization. The lack of understanding of the Aceh Truth and Reconciliation Commission's Qanun on the idea of its independence is one of the reasons why its tendencies as an autonomous organization are not impressed. Undoubtedly, for an organization such as the Truth and Reconciliation Commission that has a very large order, the foundation's freedom cannot be weakly and arbitrarily controlled. Public authorities continue to frame a serious area of strength for the human rights group established under Presidential Regulation No. 17 of 2022. There is tremendous hope that the Aceh Truth and Reconciliation Commission can uncover the reality of victims of past conflicts in Aceh and provide a sense of justice for survivors of the Aceh struggle.

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