



Contesting the Promises of *Reformasi* (Reform):
The Legacy of Impunity, the Postponement of Justice
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When President Soeharto stepped down on 21 May 1998, Indonesia had a great hope to develop democracy after more than 30 years of experiencing widespread and systematic human rights violations. The public demand for *reformasi* (reform) resulted in amendments to the Indonesian constitution: inclusion of human rights issues, removing the military from Parliament, allowing the formation of new political parties, and direct election of government officials at the regional and national levels. *Reformasi* also mandated professionalism of state institutions, including the police and military. In 1999, members of Parliament made a commitment to move towards “a just resolution” of conflicts in Irian Jaya (now Papua) and Maluku. They further stated their commitment to develop “a legal system that guarantees justice and truth based on the law and human rights”. A year later, Parliament formed a Human Rights Court and a Truth and Reconciliation Commission.

During these 20 years of *reformasi*, that have coincided with efforts for the respect, fulfillment, and protection of human rights, the National Human Rights Commission has investigated cases of serious violations of human rights, despite obstructions at the stage of investigation by the Attorney General. A Human Rights Court was formed to adjudicate three incidents of crimes against humanity, although in the end, the perpetrators were freed. The Truth and Reconciliation Commission was also cancelled by the Constitutional Court with the excuse that it violated victims’ basic rights. In the midst of stagnation for accountability at the national level, the Government of Aceh passed a bill according to Aceh’s unique Islamic legal system to establish a Truth and Reconciliation Commission in Aceh. At the same time, a special district regulation for the healing of women victims of violence and human rights abuses has been legislated in Papua, yet has not been implemented. In his Mid-Term Development Plan for 2015-2019, President Jokowi promised to resolve cases of serious human rights violations of the past by forming an independent presidential commission. This too has not been realized.

That the government ignores human rights violations of the past carries serious implications for us today. Impunity and a legacy of human rights violations paint a portrait of the human rights condition in Indonesia:

- violence continues in Papua
- indigenous peoples are marginalized, and their lands and forests expropriated
- intolerance towards minority religious and ethnic groups persists
- communal disintegration is engineered so that it can be exploited for political interests
- sexual and gender-based violence against women continues, including violence towards women survivors of violence experienced during past conflicts

- attacks against and the demonization of human rights defenders have been legislated through various regulations that were given birth by *reformasi*.

Recently, we have even been faced by the military that is beginning to crawl back into civilian affairs. *Reformasi is not yet complete.*

Dodi Yuniar, Asia Justice and Rights (AJAR) Program Manager for Indonesia, states, “Twenty years after *reformasi*, the Indonesian government has not yet shown a strong commitment to acknowledging the truth about widespread violence committed by state actors, prosecuting perpetrators, preventing the repetition of violations, or to fulfilling reparations for victims. Hopes for justice that can contribute to a better future for this nation have not been realized.”

We remember the promise of *reformasi* 20 years ago. As a nation of dignity, the state must immediately break impunity by developing a strategic policy to reveal the truth about a number of incidents of crimes against humanity, make provisions for an honest and transparent judicial process, and restore the rights of victims of serious human rights violations. Documentation already collected by the National Commission of Human Rights and the Women’s National Commission must be part of the initial facts in the effort to correct the historical record about our nation. Communal divisions on behalf of political interests should be prevented so that our life together and tolerance towards children of the nation are not torn apart just because of different political identities. The strategic role of the military and police must return to a space of professionalism in keeping with the *reformasi* mandate.

For further information, contact:

- Dodi Yuniar, AJAR Program Manager for Indonesia, telp. +62818267531, dyuniar@asia-ajar.org
- Indria Fernida, AJAR Regional Coordinator, telp. +628161466341, ifernida@asia-ajar.org

See AJAR’s [case study on Indonesia](#) for information about transitional justice in Indonesia.