

ANALYSIS OF VICTIMHOOD IN THE ACEH CONFLICT POST THE ESTABLISHMENT OF THE ACEH TRUTH AND RECONCILIATION COMMISSION

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Abstract: This article analyzes the armed conflict in Aceh that has left deep wounds, especially for victims who have been marginalized from the attention of law and state policy. From a victimology perspective, victims of the Aceh conflict not only experience physical and economic suffering, but also psychological and social trauma. The Aceh Peace and Reconciliation Commission is responsible for developing a more humane approach to conflict resolution. This research uses a normative legal research method, focusing on qualitative analysis of sequential data such as laws and regulations, decision-making, and legal authority. This research method involves library research, using relevant literature, books, and documents, to provide theoretical and critical analysis. To analyze the conditions of victims of the Aceh conflict from a victimology perspective, by highlighting the forms of physical, psychological, economic, and social suffering experienced by victims and examining the effectiveness and role of the Aceh Truth and Reconciliation Commission in fulfilling the rights of victims of the conflict. This research is expected to contribute to the development of more humanistic legal thinking and encourage the effective implementation of transitional justice in Indonesia. Normative legal research methods, focusing on qualitative analysis of sequential data such as legislation, decision-making, and legal authority. This research method involves library research, using relevant literature, books, and documents, to provide theoretical and critical analysis.

Artikel ini menganalisis tentang konflik bersenjata di Aceh telah meninggalkan penderitaan mendalam, terutama bagi para korban yang selama ini terpinggirkan dari perhatian hukum dan kebijakan negara. Dalam perspektif viktimologi, korban konflik Aceh tidak hanya mengalami penderitaan fisik dan ekonomi, tetapi juga trauma psikologis dan sosial. Komisi Perdamaian Rekonsiliasi (KKR) Aceh bertanggung jawab untuk mengembangkan pendekatan penyelesaian konflik yang lebih manusiawi. Penelitian ini menerapkan metode penelitian hukum normatif, dengan memusatkan pada analisis kualitatif data berurutan sesuai perundang-undangan, pengambilan keputusan, dan kewenangan hukum. Metode penelitian ini melibatkan

penelitian kepustakaan, dengan menggunakan literatur, buku, dan dokumen yang relevan, untuk memberikan analisis teoritis dan kritis. Penelitian ini menganalisis kondisi korban konflik Aceh dari perspektif viktimologi, dengan menyoroti bentuk penderitaan fisik, psikologis, ekonomi, dan sosial yang dialami korban dan menelaah efektivitas dan tugas Komisi Kebenaran Rekonsiliasi Aceh dalam memenuhi hak-hak korban konflik. Pengkajian ini diperlukan untuk kontribusi terhadap ekspansi pemikiran hukum yang lebih humanis serta mendorong implementasi keadilan transisional secara efektif di Indonesia. Aceh mengalami fase konflik bersenjata antara GAM dan pemerintah Indonesia (1976–2005), yang mengakibatkan dampak buruk bagi masyarakat, termasuk pelanggaran hak asasi manusia dan kehancuran social ekonomi. Hukum pidana nasional dianggap tidak efektif dalam mengatasi penderitaan korban, sehingga diperlukan pendekatan keadilan transisi melewati Komisi Kebenaran Rekonsiliasi Aceh.

Keywords: Human Rights; Aceh Reconciliation Truth Commission; Victimology.

INTRODUCTION

According to the provisions of the 1945 Constitution that has been amended, it is expressly stated that Indonesia is a country of law. The implementation of the principles of the Indonesian legal state is based on the general elements of the legal state, namely the protection of human rights, the implementation of people's justice, the implementation of government based on applicable provisions, state administrative justice, and certification of the distribution of power (Arifin 2023). Indonesia adheres to the principle that the state must be regulated by law. This situation is stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The State of Indonesia is a state of law" (Farid, Nugroho, and Retnaningrum 2020).

Philosophically, criminal law functions to protect legal interests. However, the explanation of the philosophical basis is inconsistent at several stages. Legal protection must protect individuals from arbitrary actions, inequality, and violence. Violence can occur in various forms, including physical, verbal, mental, sexual, exploitation, and neglect (Adiningrum, Retnaningrum, and Hendriana 2022). A country needs the supremacy of law and human rights to be present to regulate and protect every citizen. The goal is to stop the abuse of human rights and create peace in the context of nationhood and statehood. Human rights are fundamental powers that are inherently attached to humans from birth and, because they are gifts from God, can be called respect for human dignity, which is a true recognition of human beings. Indonesia as a country of law requires its citizens to implement and comply with and protect and uphold Human Rights (Nandini, Trisiana, and Utami 2021). The history of the Indonesian state has carved out the denial of human rights in all regions. The denial of human rights in Indonesia often arises as a consequence of the events of the loss of

life of the community and the government, for example, in Aceh Province, which is dissatisfied with the provisions applied in its territory (Sriwidodo 2020).

Aceh is a region with a kingdom system. The fragmented condition of Aceh, which consists of small kingdoms. The kingdom created a kingdom with a relevant capacity, namely the Kingdom of Aceh Darussalam. When Soekarno asked to merge, Daud Beureueh accepted the request because of the distribution of Islam. Based on Government Decree No. 8 / Des / W.K.P.H / 49, December 17, 1949. Aceh was combined into a segment of North Sumatra through Perpu No. 5/1950. This situation aims so that Aceh can be managed properly. However, this dream was not realized. So that he started his rebellion in September 1953 (Akbar 2017).

Conflict, war, and rebellion, show that Aceh's resistance against the Republic of Indonesia also resulted in many victims. The Aceh Revolution against the Indonesian Government was pioneered by DI/TII initiated by Daud Beureueh. This resistance reflected the dissatisfaction of the Acehnese people. On this occasion, another resistance also occurred, pioneered by Hasan Tiro, namely the Free Aceh Movement (GAM). This situation certainly resulted in human rights victimization. So that Law Number 11 of 2006 gave the government the authority to establish a Human Rights Court and KKR as elements of substantial aspects of peace (Akbar 2017). The presence of the KKR for the victims of acts of humanitarian violations is a new hope. The KKR itself is a commission formed during the transition of the political situation to deal with past crimes against humanity. At least 20 KKR already exist in various countries with different orders and authorities (Abdurrahman and Susanto 2016).

The Aceh Reconciliation Truth Commission tries to provide the rights of marginalized victims. Given that currently in Indonesia, legal protection for victims has not been considered, which in turn can result in structural victimization of victims. This results in a lack of legal protection for the status and dignity of victims as individuals. The trial process in the Criminal Justice System causes stigmatization of the victims' livelihoods. In other words, victims often experience double victimization, receiving social, cultural, and political sanctions from society. Victims who are ignored in the prosecution process tend to lose important elements during court decisions that should fulfil a sense of justice for the perpetrators and society. This condition shows the absence of the presence of victims in a fair situation in the Criminal Justice System. As a result of logistics aimed at victims, such as dissatisfaction with guarantees and reflecting an unbalanced view of unfair criminal law (Dimyati and Angkasa 2019). Thus, this article will describe the problem, namely, how are the conditions of victims of the Aceh conflict based on the perspective of victimology? and what is the role of the Aceh KKR in fulfilling the rights of victims of the Aceh conflict? With this study, it is necessary to provide considerations to strengthen the justice mechanism that is oriented towards victim recovery.

RESEARCH METHOD

This study applies a normative legal research approach, which basically studies law as a legitimate principle in society, as well as a guideline for individual actions. Normative legal analysis aims to analyze the quality of legal norms themselves, so it is often categorized as qualitative research (Mezak 2006). Soerjono Soekanto defines normative legal analysis as being conducted through literature studies alone. Normative legal research that examines and analyzes written sources or secondary information (Rifa'i 2023). Normative legal research uses secondary data, namely legislation, court decisions, and the opinions of leading experts (Rosidi, Zainuddin, and Arifiana 2024).

The collection technique in this paper uses library research or literature study. This research was conducted to solve a problem based on critical analysis and appropriate literature review. This serves as a source of ideas or inspiration that can trigger other ideas or thoughts, beyond just fulfilling to obtain data (Sari and Asmendri 2020). Literature study is a research conducted to collect information and data using sources available in the library. Literature study refers to the method of collecting information through analysis of books, literature, notes, and several relevant reports from the problem to be solved (Puspitasari and Ulum 2020).

The characteristics applied as guidelines to advance insight include; this study interacts directly with available information and data, not with field information. Researchers only interact directly with information that already exists in the library (Pringgar and Sujatmiko 2020). The method applied in collecting information in this study uses secondary data, namely collecting indirect data through relevant research. The use of information can be accounted for in relation to the application of teaching prototypes based on Augmented Reality (Pringgar and Sujatmiko 2020).

RESULT AND DISCUSSION

Conditions of Victims of the Aceh Conflict Based on a Victimology Perspective

Since the period of resistance against the Dutch in the 17th century AD, Aceh has continued to be recorded as a region plagued by endless conflict. The phases of the Aceh conflict include: the war against the Dutch colonialists (1873-1917) until the proclamation of the Republic of Indonesia in 1945, DI/TII (1953-1962), the suppression of communists (1965-1966), and finally the phase of the Free Aceh Movement conflict (1976-2005). The last event of the GAM-RI conflict was a phase of conflict with the most brutal scale of Indonesian military operations in Aceh's history. Since the Free Aceh Movement was proclaimed in 1976 by Hasan Tiro, the Central Government began to systematically target the suppression of GAM by deploying thousands of soldiers in an operation codenamed Red Net, in the period 1990-1998, or known as the Military Operations Area (DOM). The military focused the hunt for GAM at that time in four regional sectors: Pidie, North Aceh, East Aceh, and Central Aceh (Asia Justice and Rights 2024).

The Free Aceh Movement (GAM) emerged in 1976 as a manifestation of the Acehese people's disappointment and rejection of the Indonesian government, mainly due to injustice

in the management of natural resources, violations of cultural identity, and political and economic inequality. The New Order government responded with strong military power, equipped with a political strategy to suppress the opposition. However, the dominance of military power actually had a significant impact on Acehnese civilians. The Aceh conflict is basically not just an issue of separatism, but a reflection of deep historical wounds of injustice since Indonesia's independence. GAM is not just a rebellion, but the voice of marginalized communities. Unfortunately, the state's response was violence (Pratiwi 2019).

This operation was carried out very quietly. The Acehnese people were never given adequate information about the situation in Aceh and the impacts arising from Aceh's DOM status. New data was revealed after the fall of the New Order led by President Soeharto through mass action in May 1998. Amnesty International released various types of human rights violations arbitrary arrests, sexual violence, loss of life to confiscation of property had affected 10,000-30,000 Acehnese people during the operation. Most of the victims were ordinary civilians. The reformation also influenced the situation in Aceh on the national map. The process of investigating the facts about the impact of the implementation of DOM in the past began. The Minister of Defense and Security of the Republic of Indonesia, Wiranto, at that time openly acknowledged the negative impact of DOM in Aceh (Asia Justice and Rights 2024).

On the other hand, the political openness in the reform era was also utilized by GAM to consolidate the pro-independence forces of Aceh. Resistance began to be launched openly. Lectures and speeches containing GAM aspirations echoed in the villages and its narratives circulated widely. In this situation, the Indonesian military actually launched more repressive actions, which again, targeted more civilians. Between 1999-2002, there was a large-scale forced evacuation in Aceh. Aceh was once again in a state of tension, right when the 5th President of the Republic of Indonesia proclaimed a Military Emergency status. Around 40,000 TNI/Polri security forces were deployed to Aceh, the largest number since the deployment of the Indonesian military in the Seroja incident in 1975. Violence broke out throughout Aceh, and civilian casualties continued to fall (Asia Justice and Rights 2024).

Even dozens of activists began to be arrested and forcibly disappeared. The condition also did not change much even though a year later, President Megawati set a new status in Aceh, Civil Emergency, in May 2004. Aceh was still closed to the outside world. The Public Information Service of the TNI Headquarters recorded that around 662 civilians died during the implementation of the two emergency periods. Then in 2004 Aceh was rocked by a natural disaster, an earthquake and tsunami. In an instant, 150,000 to 170,000 people died. So that the push for peace negotiations against the perpetrators of the conflict grew stronger. Until finally, armed violence in Aceh officially ended through the MoU in Helsinki on August 15, 2005 (Asia Justice and Rights 2024).

The Aceh Reconciliation Truth Commission has identified 10,652 acts of violence during various periods of operations in Aceh, with categories of violence including arrest, torture, harassment, loss of life, and confiscation of property, and stated that the number of

sexual violence may be much higher than recorded and is closely related to torture. The following are several periods of operations in Aceh collected based on 4765 statements from victims of human rights crimes in Aceh, namely:

- a) Military Operations Area Period. Based on data obtained from the KKR, there have been 1979 cases of violent crimes. At that time, Aceh was proclaimed as a Military Operation container from 1989 to 1998 to crush the Free Aceh Movement (GAM). This means that the region was under tight military control, with various military operations to maintain security and order and crush the rebellion.
- b) Code Operation Period. Based on data obtained from the KKR, there have been 4,364 cases of violent crimes. Several special military operations in Aceh were given code names to maintain secrecy and strategy, such as "Operation Sadar Rencong" and "Operation Cinta Meunasah." These operations were designed to deal with resistance from GAM with the aim of restoring security and stability in Aceh.
- c) Military and Civil Crisis. Based on information obtained from the KKR, there have been 4364 cases of violent crimes. In 2003, the Indonesian government imposed Military Emergency in Aceh to quell the conflict with GAM, which changed to Civil Emergency in 2004. During Military Emergency, the military controlled the security situation, then control was handed back to civil authorities while still involving the military (Asia Justice and Rights 2024).

The "Peulara Damee" findings report released by the Aceh KKR specifically revealed cases of sexual violence that occurred during the conflict. Based on the data obtained from the results of the Aceh KKR's truth disclosure, 165 victims of sexual violence were found (78 female victims and 87 male victims), which occurred both during the implementation of DOM, code operations, and during the implementation of the Military Emergency and Civil Emergency status. The actual number of victims is believed to be very high, far exceeding the number of victims willing to give testimony to the Aceh KKR. However, it is important to understand that not all victims or their families are willing to tell their stories of this violence, for various reasons (Asia Justice and Rights 2024).

Sexual crimes during the conflict were not in fact spontaneous acts. The perpetrators carried out the crimes to gather information about the GAM Network. In fact, sexual violence was a secret strategy to weaken support for GAM. Victims experienced sexual violence in various locations of TNI posts, police posts, detention centers and prisons, people's homes, and in open areas such as yards, rivers, sidewalks and others. Hundreds of victims who gave testimony to the Aceh KKR were known to have experienced various types of violence. Some victims said they experienced violence more than once. There were 17 victims of sexual violence who were still children, namely 8 girls, 9 boys aged 13-18 years. Most of these children experienced sexual harassment while at school. Then the perpetrators intimidated, forced, and invaded the bodies/sexual organs of the victims. Existing data revealed 21 women who were tortured by the military because they were GAM wives. Three of the women even

remained victims of harassment even though their husbands were part of GAM who had died. From this, it is clear that most of the victims were innocent individuals. They were accused without evidence and judged cruelly and degraded their honor. The accusations, although baseless, can be justified when accompanied by threats, such as using firearms. Especially when the number of perpetrators is greater than the victim who is alone (Asia Justice and Rights 2024).

Human rights are inherent rights that individuals have based on the nature and nature of human birth. Human rights violations are not classified as common crimes that have significant impacts, and are not regulated in the Criminal Code (Handityo and Binov, 2019). The victims of the conflict certainly leave behind the effects and impacts of the long conflict they have experienced until today. The impacts of the victims of the conflict are packaged into three parts, namely mental impacts, physical impacts, and economic impacts. There are also locations of incidents and targets of violence received by victims, and parties who are perpetrators of violence (Asia Justice and Rights 2024).

- a.) Mental impact. The mental impact caused is psychological trauma. Psychological trauma is torture and Arbitrary Arrest: Victims experience deep trauma due to arrest, detention, and torture. Although the number of identified cases is relatively small, the number of unreported cases of sexual violence is very likely higher than the number mentioned. Victims of sexual violence often face stigma, shame, and severe mental disorders.
- b.) Physical impact. The physical impacts caused by human rights crimes in Aceh are injuries due to torture. Based on data from 4249 reported acts of torture, victims suffered various forms of physical injuries, ranging from minor injuries to permanent disabilities. This torture is often carried out brutally and leaves long-term physical impacts. In addition, there have also been murders and enforced disappearances. Based on data from the Aceh KKR, 1,135 cases of murder and 371 cases of enforced disappearance were reported, indicating extreme levels of violence that often have fatal consequences. The families of the victims also experienced mental suffering due to the loss of loved ones without certainty of their fate. In addition to mental trauma, sexual violence also causes physical damage to victims, which requires medical care and rehabilitation.
- c.) Economic impact. The economic impacts caused are damage and confiscation of property. Based on data, as many as 1223 acts of confiscation and destruction of property affected the economic stability of the victims. Loss of homes, property, and sources of livelihood led to poverty and economic dependence. In addition, disruption of economic activity also occurred in homes, workplaces, and public facilities disrupting daily economic life. Many victims were unable to return to work or carry out normal activities, which impacted their family's income and welfare (Asia Justice and Rights 2024).

Criminal law in Indonesia functions to maintain protection with the pressure of punishment as an instrument of social control and rescue against criminals. However, this approach tends to focus on the perpetrators and forget the needs of the victims. In practice,

criminal punishment often ignores the rehabilitation aspects needed by the victims, so that justice is not fully realized (Ariefulloh et al. 2023). Law number 39 of 1999 emphasizes the importance of respecting and protecting people's rights (Retnaningrum et al. 2014). The legal system is expected to transform from merely punishing to becoming a tool for restoring, empowering and saving.

After the collapse of the New Order in 1998, people flocked to show their awareness of the importance of exposing and resolving past human rights violations, including in Aceh. Amidst the euphoria of reform, the idea of establishing began to emerge. This idea did not just appear out of nowhere, it was driven by various parties, from political figures, NGOs, to the National Human Rights Commission. As an initial step, the National Informal Reconciliation Team was formed, which became the forerunner of various forums such as the National Consultation and the National Consolidation Forum. These ideas led to one goal: to create space for truth and reconciliation so that past wounds would not continue to linger. The year 2000 was an important point in the institutionalization of this idea. The agenda for resolving human rights violations began to officially enter the national reform map. The peak was with the provisions that became proof that this nation, collectively, recognized the importance of revealing the truth in order to uphold justice. After that, the government began to draft a bill as the official legal basis for the formation of the KKR (Sriwidodo 2020). The Truth and Reconciliation Commission is a crucial element in transitional justice efforts, which aim to restructure the relationship between the state and its citizens after a period of violence, lies, or human rights violations (Nata and Husodo 2023).

The Aceh Reconciliation Truth Commission was established based on the principles of Islam, Acehnese identity, independence, impartiality, justice, equality, and legal protection. The Aceh KKR has the principle of humane and civilized justice. As an adjudication institution, the Aceh KKR has an obligation to reveal neglected facts. The KKR in revealing the truth and reconciliation to protect human rights. The Aceh KKR also assists in the investigation through legal mechanisms (Akbar 2017).

The Aceh Truth and Reconciliation Commission has a unique approach because it adopts many principles of restorative justice. Retributive justice, which often emphasizes punishment for perpetrators, cannot provide substantial relief or recovery for victims. The punishment imposed on the perpetrator does not immediately heal wounds, eliminate suffering, or restore the situation before the crime occurred. From here restorative justice was born, an approach that places dialogue, recovery, and participation of all parties at the core of the criminal case resolution process (Sinaga et al. 2023). Contextually, restorative justice emerged as a response to the criminal system which is often considered cold, rigid, and separates victims and society from the legal process. Restorative justice is implemented through the method of criminal mediation, a process similar to mediation in civil courts, where the perpetrator, victim, and related parties are brought together to reach agreement and peace (Oktobrian et al. 2023).

Restorative Justice emphasizes the importance of involving community, traditional, and religious leaders to achieve a just resolution through peaceful means. The key word in this approach is "involvement" a recognition that conflict resolution is not only a legal responsibility, but a collective responsibility. Through dialogue, empathy, and healing, restorative justice creates opportunities for individuals to humanize each other, and for the law to function not as a tool of punishment, but as a means of healing. This approach indicates that in the context of justice, there is room for forgiveness, healing, and hope. There, justice goes beyond the law, it serves as a bridge to rehabilitation and a more harmonious future (Oktobrian et al. 2023).

The criminal justice system often ignores the position of the victim who should be the main focus. As a result, restitution is seen as a right that depends entirely on the victim's initiative, regardless of the obligations and law enforcement officers. Although various regulations have been established, their implementation has not reached the core of the problem and has not been able to offer concrete solutions for victims who are in dire need of rehabilitation. In short, restitution has not functioned as an efficient bridge between formal justice and justice for victims, so that efforts to restore and acknowledge their suffering are still far from ideal. Restitution, as a form of recovery that aims to restore the victim's losses, whether materially, physically, psychologically, or emotionally, has significant potential to restore hope and well-being for sufferers. Ideally, restitution should be an obligation that must be fulfilled by the perpetrator as a form of accountability for the losses incurred (Hendriana et al. 2024).

True justice is not about punishment, but about healing for both the victim, the perpetrator, and the community affected (Sinaga et al. 2023). The Aceh Reconciliation Truth Commission does not replace criminal penalties, but has the advantage of handling cases comprehensively and providing restorative justice through truth-telling, confessions, apologies, and reparations for victims. The success of the KKR is determined by its ability to reveal the truth fairly and transparently, and foster genuine reconciliation. Examples of the KKR's success in countries such as South Africa, Argentina, and Chile illustrate the importance of this institution in the transition to democracy (Nasution 2018).

The success of restorative justice requires a broad shift in perspective. Restorative justice focuses on humanizing the law. It does not just think about who is guilty, and how long a sentence is appropriate? but also what has been broken, and how can we collectively repair it? It is a more subtle approach, but it is not weak. It places human dignity at the heart of conflict resolution, in the hope that from the wounds we can rebuild trust, and from justice, we can grow peace (Sinaga et al. 2023).

Restorative justice is expected to be achieved with a balance of justice between the perpetrators, victims and society as a negative consequence of a crime (Budiyono, Wahyudi, and Retnaningrum 2024). Restorative justice not only pursues formal justice, but also social and emotional justice, which results in peace and comprehensive conflict resolution. Values such as integrity, empowerment, inclusiveness, and individual responsibility are the essence

of this approach. With these principles, justice is transformed from mere verdicts and punishments into a process of healing social wounds and restoring harmony between people (Ariefulloh et al. 2023).

Thus, Aceh has experienced many phases of conflict, from the colonial period to the Free Aceh Movement (GAM) in 1976 to 2005. The GAM-RI conflict involved brutal military operations and had a significant impact on civilians. The government's military response has worsened the situation, resulting in an increase in human rights crimes and sexual abuse used as a systematic strategy against the community. Data shows thousands of incidents of violence and economic damage, including the confiscation of assets and disruption of the victims' socio-economic lives. The Indonesian criminal justice system is considered inadequate because it places more emphasis on the perpetrators than on the rehabilitation of victims. This has raised awareness of the need for a transitional justice approach after the 1998 Reformation. The KKR is tasked with uncovering the truth and promoting reconciliation based on the principles of justice, human rights, and local Acehese values. The success of the Aceh KKR is crucial in the transition towards justice and the restoration of victims' rights, as well as in fostering sustainable peace and reconciliation in Aceh.

The Role of the Aceh Truth and Reconciliation Commission in Fulfilling the Rights of Victims

The Aceh Reconciliation Truth Commission is an organization that reveals the truth, prototypes of human rights violations in armed confrontation in Aceh, and proposes steps to rehabilitate and restore victims (Syuib and Hasnawati 2022). The Aceh KKR has a strong legal basis, namely Law number 11 of 2006 on the Aceh Government. This regulation was born to serve as the signing of the Helsinki Memorandum of Understanding, which became an important milestone in the peace process in Aceh. Article 229 explicitly states that in order to achieve justice and reconciliation, the Aceh KKR was formed. Meanwhile, Article 230 emphasizes that the provisions for the selection, structure, term of office, and funding of the KKR will be regulated through the Aceh Qanun, of course by taking into account the regulations that apply nationally. This Qanun includes 50 articles and is the legal basis for the implementation of the KKR in Aceh, as well as a form of commitment to resolving the dark past. This Qanun was also drafted adaptively, so that it can be synergized with the provisions of the national KKR if it is reformed at some point. However, there is a fundamental problem in the legal construction of the formation of this KKR. The provisions governing the formation of the Aceh KKR should have waited for the formation of the KKR at the national level first. This is a problem because in reality, the Constitutional Court has revoked the previous National KKR Law, so that the legal basis for forming a national KKR is no longer available (Akbar 2017).

The drafting of the KKR provisions took quite a long time and involved various parties, including NGOs. The draft law underwent several changes before finally being submitted to the State Secretariat. The government and the DPR also made an important promise to the

Papuan people, namely to resolve human rights violations through two channels: the human rights court and the KKR. This commitment is stated in the Papua Special Autonomy Law. Official discussions in the DPR began in 2003 through the formation of a special committee across factions. However, the process was slow. Until 2005, the selection team for prospective KKR members had not yet been formed. In the midst of this uncertainty, the Indonesian government again promised the formation of the KKR this time to the Acehese people, as part of the solution to human rights violations during the conflict. Unfortunately, these promises have not been fully realized in real action (Sriwidodo 2020).

The establishment of the KKR for Aceh is in fact a commitment that was born not only from domestic policy, but also from international agreements—especially through the Helsinki MoU between the Indonesian Government and the Free Aceh Movement (GAM). Politically and legally, the establishment of the KKR has a strong basis from the MPR Decree Number V/MPR/2000, which emphasizes the importance of rebuilding national unity through real steps, including the establishment of the KKR and the formulation of national ethics. The main goal is to strengthen the national commitment to unity, justice, and Indonesia's vision for the future. The KKR is not only an institution but also a form of state responsibility in upholding justice, respecting human rights, and healing the wounds of the nation's history (Sriwidodo 2020).

As an institution responsible for uncovering the truth, the Aceh KKR is given broad authority, including investigating cases of human rights violations, accessing important documents, summoning witnesses, protecting the identities of victims, and storing and disclosing information responsibly. The KKR can also name or restore the names of individuals who have been wrongly named, and collaborate with both domestic and international institutions. The main objectives of the Aceh KKR consist of three important aspects: maintaining continuity of peace by providing victims with the opportunity to obtain truth, justice and rehabilitation; correcting history so that future generations can learn from the past and avoid repeating the same mistakes; building a culture of human rights that respects each other and prioritizes humanity. Factually, the establishment of the KKR is an acknowledgment of the general judicial system of limitations in handling human rights crimes that occurred systematically in the past. Thus, the KKR functions as an alternative to the transitional justice approach by placing truth, recognition, and reconciliation as a means for social recovery (Pasha 2017).

The duties of the Aceh Reconciliation Truth Commission include various aspects, including preparing working mechanisms, collecting facts, investigations, statements and providing protection to witnesses and victims. In addition, the KKR also maintains important archives and is responsible for reporting its findings to various parties, including the Aceh Government, the Aceh DPR, the central government, human rights enforcement agencies, and the general public. The role of civil society is very significant in supporting the KKR, starting from overseeing the process of drafting the Qanun to the implementation of the KKR activities themselves. They also expressed their appreciation for the enthusiasm and

professionalism of the KKR commissioners in carrying out their duties. In the first year of its implementation, the Aceh KKR recorded several important achievements: a) KKR Aceh has established a temporary secretariat office with 12 staff and received operational funds of 5 M in 2017. Recruitment of work team members has been carried out to support the duties of the commissioners; b) socialization regarding the role and function of the KKR has been carried out in various regions of Aceh and received a positive response; c) The Truth and Reconciliation Commission has planned a work program, accompanied by supporting regulations for the internal truth-telling process; d) The Aceh Truth and Reconciliation Commission has established interaction and synchronization with state institutions, both at the national and regional levels. Institutional cooperation has been established, including with the National Human Rights Commission and the National Commission on Violence Against Women (Sriwidodo 2020).

The Aceh KKR encourages reconciliation in which truth includes not only facts, but also recognition of the suffering of victims, the time of the violation, and the identity of the perpetrators. Reconciliation is not just a process of mutual forgiveness, but also an effort to restore relationships that have been disrupted by conflict. Reconciliation has a deeper meaning, not just ignoring the past, but also about the courage to face the truth, admit mistakes, and create a path towards a more harmonious future. In this process, the moral and social responsibility of the perpetrators becomes essential. The perpetrators' recognition and apology to the victims is not merely symbolic; it represents the first step in rebuilding trust. The perpetrators' recognition of past crimes, accompanied by an apology and acceptance from the victims, is the essence of true reconciliation. It is a meeting between two injured parties, victims who long for justice, and perpetrators who are willing to take responsibility for their actions. From this point, authentic peace can begin to be built, not only because of the absence of conflict, but because of the recognition of old wounds and efforts to heal them (Syuib and Hasnawati 2022).

The Aceh Reconciliation Truth Commission faces many obstacles, especially the absence of a strong national legal framework. Although the Aceh Government has established the Aceh KKR through the Qanun in 2013 in accordance with the mandate of the Aceh Governance Law and the Helsinki MoU, its implementation has been hampered by the absence of a national KKR. The Aceh KKR does not have sufficient legal authority to request testimony or implement reconciliation mechanisms involving external parties from Aceh. As a result, the Aceh KKR is symbolic, "alive but not executable" due to limited authority and regulatory conflicts. Therefore, the establishment of a national KKR is an essential need for the KKR to function effectively in Aceh (Abdurrahman and Susanto 2016).

The Aceh KKR operates without clear guidelines domestically, so it needs to learn a lot from the experiences of KKRs in other countries. This institution is present with the spirit and identity of Aceh, but in its implementation, it faces significant challenges. Institutionally, support from the central government is still very limited. Although there is communication with central agencies, concrete support is still not visible. At the regional level, the support of

the Governor and DPRA has not been fully realized in concrete terms. Although there is moral and political support, this is not enough to optimize the organization's operations. Some entities, such as Komnas Perempuan, provide significant assistance, but have not been able to overcome the lack of other structural support (Syuib and Hasnawati 2022).

The budget received by the Aceh KKR is very inadequate to meet optimal needs. Of the request of 20 billion rupiah, only around 4 billion was approved, the funds were not directly received by the Aceh KKR, but were channeled through other institutions such as BRA and the Social Service. The absence of an autonomous secretariat also hinders the independence and effectiveness of the institution. The Aceh KKR program also faces significant challenges related to socialization and public understanding. Many victims of past human rights crimes have died, been relocated, making data collection and testimony difficult. On the other hand, many people do not fully understand the role and function of the Aceh KKR. Some consider this institution to only rekindle old wounds or not be serious about following up on the testimonies of the victims. However, the Aceh KKR commissioners did not remain silent. They continued to strive to provide education and a humanist approach to the community, ensuring that the presence of the Aceh KKR was interpreted as a path to collective healing and reconciliation. Despite facing various limitations, they remain committed to carrying out their mandate in the most humane and coercive way. Overall, the Aceh KKR is in a dilemma position legally existing, but has not been able to be empowered substantially. Limited political support, budget, and public understanding hamper their progress. However, the spirit and sincere intention to seek truth and justice remain burning, despite the limitations (Syuib and Hasnawati 2022).

The delay and inaction of the state in handling the victims of the Aceh conflict resulted in some victims not getting their rights as they should. Many victims are old, even those who have passed away and have not had the chance to feel justice or even recognition from the state. The delay in access to justice for them is not just administrative injustice, but a betrayal of the spirit of reform and the values of the 1945 Constitution which prioritize humanity and justice. As a result, justice has been delayed too long for the victims of the Aceh conflict where there are wounds that continue to gape and hopes that are slowly fading. (Nata and Husodo 2023) Reconciliation is an effort by the KKR which is not just about resolving past events, but is also a choice of a nation not to continue to ignore its conscience.

Thus, it can be concluded that the KKR emerged from historical wounds, from the prolonged suffering of the Acehnese people trapped in armed conflict, and from the hope for peace that grew through the Helsinki MoU. The Aceh KKR is not just a formal institution, but a voice for those who have been silent. The Aceh KKR is here to listen to the testimonies of the victims, reconstruct fragmented historical fragments, and build a bridge between the dark past and the peaceful future. However, this institution operates within the constraints of unbalanced laws, limited budgets, and unsolid political support. This institution exists, but often seems to be left to walk alone in the dark. The state cannot postpone its moral and constitutional responsibilities to the victims of the conflict indefinitely. For them, delayed

justice is a gaping wound. Therefore, strengthening the Aceh KKR is not just about fulfilling the promise of peace, but also choosing not to ignore conscience. And being able to fight for the rights of the Indonesian people as they should, which is a calling to become a nation that dares to face past events, so that it can move forward in the future.

CONCLUSION

Aceh has experienced various phases of conflict, culminating in the armed conflict between GAM and the Indonesian government (1976–2005), which resulted in devastating impacts on society, including human rights violations and socio-economic destruction. National criminal law is considered incapable of addressing the suffering of victims, so a transitional justice approach is needed, especially through the establishment of the KKR. The Aceh KKR was born from historical wounds and the ideals of peace, aiming to uncover the truth, strengthen the voices of victims, and bridge the dark past with a harmonious future. However, the Aceh KKR faces significant challenges: legal limitations, minimal budget, and lack of political support. Strengthening the Aceh KKR is not only a commitment to peace, but also a moral and constitutional responsibility of the state. Delayed justice for victims is the same as ignoring wounds that have continued to open for a long time. Therefore, strengthening the Aceh KKR is a very crucial step to fulfill the promise of justice, respect human rights, and build a more just and humane future for Indonesia. [W]

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