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The Role of Informal and Formal Mechanisms in Transitional Justice Related to the 1965-1966 Incident in Indonesia: The Case of Palu

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Abstract

This article discusses the role of the informal mechanism introduced by the solidarity for victims of human rights violations of Central Sulawesi and the formal mechanism of the Palu Regional Government, which succeeded in realising restorative justice related to the 1965-1966 incident in Palu through truth-seeking, grassroots reconciliation, apology, and victims' reparations. How did this local initiative succeed amid the stagnation of the national initiative? This research applied a qualitative method. This study found the critical elements of the local initiatives' success in Palu: First, the use of the informal and formal transitional justice mechanisms. Although informal mechanisms could play a significant role in actualising restorative justice in Palu, the role of formal mechanisms remained irreplaceable because particular aspects could not be done through informal mechanisms, such as victim reparations. Collaborating between the two mechanisms made the local initiatives more effective and broader impact. Another essential element behind the realisation of restorative justice in Palu is the role of political actors, namely Rusdy Mastura, Palu' mayor (2010-2015) and Nurlaela Lamasitudju (General Secretary of SKP-HAM). The strong political will of the Palu Mayor was depicted through an apology and reparations program for the 1965-1966 victims, and the lobbies that have been carried out by the general secretary of SKP-HAM have an essential role in realising restorative justice related to the 1965-1966 incident in Palu.

Keywords: Transitional Justice, Restorative Justice, Informal Mechanism of SKP-HAM, Formal Mechanism of Palu Regional Government, The 1965-1966 Victims

1. Introduction

For 32 years, President Soeharto ruled Indonesia by taking power after a wave of violence against civilians, allegedly in retaliation for the 1965 coup attempt (starting now G30S/1965) by the Indonesian Communist Party (starting now PKI). After G30S/1965, hundreds of thousands of people accused of being PKI were killed, while others were imprisoned without trial (Cribb, 2002). Several scholars agree that this massacre was one of the enormous mass killings of the twentieth century. Western governments welcomed the violence and continued to support Soeharto until he fell from the presidency in 1998 (Webster, 2017). There is no exact record of how many victims died from 1965-to 1966. In 1966, the Operational Command for the Restoration of Security and Order (Kopkamtib) reported that about one million people had died in the incident. While Oei Tjoe Tat, a former member

of the Fact-Finding Commission, puts it at 500,000 to 600,000 people (Cribb, 2002). The most recent estimate by scholars is about 500,000 people (Robinson, 2018). This massacre, which claimed an estimated 500,000 - 1,000,000 lives, is one of the most forgotten human tragedies of the twentieth century.

After the Suharto regime fell in 1998, Indonesia transitioned to democracy. Various demands emerged to resolve massive human rights violations, particularly in the 1965-1966 incident. There were calls for a thorough investigation into the violence of the New Order regime, the rewriting of the history of the events of 1965, the prosecution of those who had committed serious crimes, state apologies, compensation to victims, and reconciliation (Robinson, 2018). According to Budiawan (2004), a good democratisation process requires the importance of resolving past serious human rights violations. This is to ensure that the past is no longer a burden because it no longer haunts the present. Nagy (2002) added that it is essential to build solidarity, form a collective identity, and make a shared commitment to overcome and prevent the recurrence of past violence. The state must also be committed to bringing justice to those accused of these offences. Transitional justice is one way to solve the dilemma between resolving past grave human rights violations and avoiding provocations from the remnants of past regime forces (Farid & Simarmata, 2004). For countries that are in a difficult transition period because there are still remnants of the old regime's power, such as Indonesia, transitional justice is the proper way out so that the settlement of past gross human rights violations does not lead to new violence. Transitional justice is not a particular form of justice but rather a justice concept adapted to the context of a society that is transforming itself after going through periods of severe human rights violations. These measures include criminal prosecutions, truth commissions, reparation programs, and institutional reform (ICTJ, 2009; Teitel, 2000).

Responding to public demands, the Indonesian reform government has adopted various transitional justice mechanisms to resolve the past regime's gross human rights violations, including the case of the 1965-1966 incident, which claimed the lives of 500,000 to 1,000,000 people. Various mechanisms have been adopted, including retributive justice by enacting Law No. 26/2000, considering the human rights court; restorative justice mechanisms by the promulgation of the TRC Law on October 6, 2004; and truth-seeking, the Indonesian national human rights commission (starting now Komnas HAM) has conducted an investigation related to the events of 1965-1966, from June 1, 2008, to April 30, 2012. The results showed sufficient preliminary evidence to suspect that crimes against humanity had occurred, violating gross human rights. Based on this conclusion, Komnas HAM recommended that the Attorney General follow up the research results with an investigation (Komnas HAM, 2012). However, although Indonesia has undergone five leadership successions, starting from President Habibie to the second term of Joko Widodo's administration, there is no certainty regarding the resolution of gross human rights violations in the 1965-1966 tragedy. Amid this uncertainty, a local initiative for transitional justice emerged from civil society and several regional governments.

Several studies about transitional justice in Indonesia have been carried out previously. Budiawan (2004) looked at the cultural reconciliation between Banser NU and ex-PKI initiated by Syarikat Indonesia (santri community for people's advocacy). This study revealed that a challenge faced by the reconciliation process in the context of the 1965 incident is the persistence of anti-communist discourse in society. The enduring anti-communist discourse results from the indoctrination process carried out by the New Order regime. The strategy used to perpetuate this discourse is propaganda that communists are atheists, enemies of religion, and contrary to the ideology of Pancasila.

Wahyuningroem has also conducted several studies on transitional justice, including "Seducing for Truth and Justice: Civil Society Initiatives for the 1965 Mass Violence in Indonesia". This study examines civil society initiatives that attempted to deal with mass violence in 1965-1966 and how the central government has sporadically responded to several initiatives from civil society groups and initiated policy reforms to support these initiatives. However, this response was not sustainable, and any suggested program consistently failed to be implemented (Wahyuningroem, 2013); "From State to Society: Democratisation and the Failure of Transitional Justice in Indonesia." This study explains the failure to implement transitional justice measures in post-authoritarian Indonesia, starting from the beginning of the political transition in 1998 to 2009. State-sponsored transitional justice has only succeeded in procedural terms but failed miserably substantially. The failure was due to the nature

of the political transition in Indonesia in 1998, which was a combination of replacement and trans placement models. Indonesia's transitional justice process was politically superficial and adopted only to respond to domestic and international pressures for accountability of the new regime (Wahyuningroem, 2018); "Towards Post-Transitional Justice: The Failures of Transitional Justice and the Roles of Civil Society in Indonesia." This study discusses "towards post-transitional justice" which describes the failure of state initiatives and the emergence of various civil society initiatives (Wahyuningroem, 2019). The following studies were about "Victim's Reparation of The 1965-1966 Gross Human Rights Violations in Palu City from the Perspective of International Law (Sujatmoko, 2020); The Politics of Transitional Justice in Post-Suharto Indonesia. The study explains that Indonesia is a success story in adopting the transitional justice paradigm, but not in its implementation (Suh, 2012); Accounting for Atrocities in Indonesia, the quality of accountability is low and has little impact on the rule of law and democracy (Linton, 2006).

This study discusses the role of the informal mechanism of Central Sulawesi solidarity for victims of human rights violations (starting now SKP-HAM) and the formal mechanism of the Palu regional government, which succeeded in resolving the 1965-1966 incident through a restorative justice mechanism. As a contextual background for the study, the study previously discusses the stagnation of the central government initiative for transitional justice in Indonesia.

2. Method

The type of research used is the qualitative method. According to Creswell (2019), there are five types of qualitative research: narrative, phenomenological, grounded theory, ethnographic, and case studies. The research applies a qualitative case study design. Research data is divided into two types of data, namely primary data and secondary data. Primary data is the data resulting from interviews with key informants. While secondary data consists of the results of previous studies and various documents related to research studies such as the decentralisation law, regional autonomy law, the National Human Rights Action Plan (RANHAM), Mayoral Regulations Palu Number 25 of 2013 which contains 17 articles, entitled "Regional Action Plan for Human Rights (RANHAMDADA), other documents related to the Palu City Government's programs and policies related to reparations for victims of 1965-1966 in Palu city. Researchers will also collect documents from SKP-HAM Central Sulawesi related to the grassroots cultural reconciliation program and activities for handling victims of the 1965-1966 events in the city of Palu, photos of activities, and clippings from national and local print and online media, as well as visual recordings, and documentaries. Qualitative research data collection procedures involve four types of strategies (Creswell, 2019), namely qualitative observation, qualitative interviews, qualitative documentation, qualitative audio and visual materials, and Focus Group Discussion (FGD).

3. The Stagnation of the Central Government National Initiative for Transitional Justice in Indonesia

In responding to public demands to resolve the past regime's gross human rights violations, the Indonesian Reformation Government has established several policies related to transitional justice. During his leadership, President B. J. Habibie passed Law Number 39 of 1999 concerning Human Rights and Law Number 26 of 2000 concerning Human Rights Courts. With the enactment of these laws, Indonesia has a basis for prosecuting severe human rights violations perpetrators.

The categories of gross human rights violations in the Rome Statute of the International Criminal Court (ICC) include genocide, crimes against humanity, and aggression (UN, 1998: 3-8). Furthermore, the Final Report of The International People's Tribunal that was held in Den Haag, Netherlands, mentions nine types of crimes against humanity that occurred in the 1965-1966 incident: (1) murder, (2) slavery, (3) imprisonment, (4) anguish, (5) sexual violence, (6) torture, (7) forced disappearance, (8) hate propaganda, and (9) other state complications. The 1965 IPT Panel of Judges decided that the 1965-1966 violent incident was genocide and recommended that the Indonesian government apologise to the victims (Yayasan International People's Tribunal, 2016). However, until the end of the transitional government of President B. J. Habibie, there has been no judicial or non-judicial settlement regarding gross human rights violations cases in the 1965-1966 incident.

Furthermore, during the presidency of Abdurrahman Wahid (Gus Dur), there was a political will from Gus Dur to resolve the past regime's serious human rights violations and build national reconciliation, including with the ex-PKI. As a first step towards actualising this idea, President Gus Dur decided on several policies: (1) granting permission for political exiles to return to Indonesia and regain their citizenship; (2) the disbandment of Bakorstanas (Coordination Board for the Consolidation of National Stability), and the termination of Litsus, a screening method, where the requirement to become a civil servant or public official is never to have been involved with the PKI; (3) President Gus Dur also apologised to the families of the victims of the 1965-1966 massacres and those imprisoned without trial; and (4) a proposal was made for the revocation of MPRS Decree Number 25 of 1966 (Budiawan, 2004).

Gus Dur's policies were based on the significance of upholding human rights. This is because many policies inherited from the New Order were discriminatory and disregarded the civil and political rights of ex-tapol and their families. For example, the label ET (ex-tapol/ex-political prisoner) was included on ID cards, and the prohibition for family members of political prisoners to become civil servants and have careers in the military and police. Therefore, legal products and state institutions that were the basis for widespread acts of discrimination had to be abolished. All civil and political rights of every citizen should have been returned as they should be. However, all of his ideas failed to be realised because he was removed from his position as President through the Special Session of the MPR (People's Consultative Assembly), which was held on July 23, 2001.

Megawati Soekarnoputri replaced President Gus Dur in October 2001 after most of the parties abandoned Gus Dur and ousted him from the presidency. Megawati played a significant role in national initiatives for transitional justice. One of the essential policies during her presidency was the promulgation of the Truth and Reconciliation Commission (starting now TRC) Law on October 6, 2004. The establishment of the TRC Law was the mandate of TAP MPR (the Decree of the Peoples Deliberative Council) Number V/MPR/2000, Chapter V Paragraph (3) and Law No. 26 of 2000, Article 47 paragraphs (1-2) mandates the establishment of TRC, as an alternative to resolving cases of human rights violations out of court. Ironically, however, Megawati's policy actions coincided with an increase in political conservatism and the reconsolidation of the military's political role. This was a period of a shift in civil-military relations favouring the armed forces. Because she distrusted the civilian alliance that had ousted President Gus Dur, Megawati granted concessions to TNI in anticipation of potential challenges. Most of her policies ultimately left open the possibility for the military elite to exercise their power and influence (Wahyuningroem, 2018).

Furthermore, in his two presidential terms (2004-2009 and 2009-2014), President Susilo B. Yudhoyono established a framework to promote the National Human Rights Action Plan (starting now RANHAM). However, RANHAM had existed before his leadership period. There are several Presidential Decrees (Keppres) related to RANHAM: (1) Presidential Decree No. 129 of 1998; (2) Presidential Decree No. 40 of 2004; and (3) Presidential Decree Number 23 of 2011 (KontraS, 2014: 8). Although in his two terms of leadership, President Susilo B. Yudhoyono had established two RANHAM, in its implementation, it seems that there has been neglect in handling victims of gross human rights violations, including the victims of the 1965 incident. According to the working paper of KontraS (2014):

(a) From 2004-to 2014, the files from Komnas HAM were returned by the Attorney General's Office seven times because an ad hoc human rights court had not yet been established. (b) There was a failure to implement the DPR Recommendation for the settlement of missing person cases. On September 30, 2009, the Indonesian House of representatives sent four recommendations for the settlement of forced disappearances from 1997 to 1998. However, the President did not implement the recommendations. (c) There was a shift in the legal settlement process to a political path. The President ordered the Coordinating Minister for Political, Legal, and Security Affairs to form a small team to resolve severe human rights violations. (d) The decision of the Supreme Court regarding the restoration of the rights of the victims of the 1965 incident was not implemented. The 2012 Supreme Court decision ordering the President to revoke Presidential Decree No. 28/1975 regarding the treatment of those involved in the G30S/PKI Group C was not implemented. During the leadership of President Susilo B. Yudhoyono, the Constitutional Court (MK) also annulled the TRC Law through Decree No.006/PUUIV/2006.

Meanwhile, the agenda for resolving cases of past gross human rights violations during the presidency of Joko Widodo was dominated by the discourse of settlement through a reconciliation mechanism without going through the judiciary process. The Attorney General's Office initiates reconciliation without the accountability of the perpetrators by building the argument that there is no evidence and witnesses to corroborate cases of serious human rights violations (KontraS, 2018).

In 2016, President Jokowi's administration held a national symposium on the history of the 1965 tragedy. The 1965 Tragedy Symposium aimed to resolve the G30S/1965 incident through reconciliation because the evidence and perpetrators were difficult to find. This symposium resulted in recommendations that concluded that the state had committed gross human rights violations, so it was necessary to apologise and rehabilitate the victims. Unfortunately, Luhut Binsar Panjaitan (the Coordinating Minister of Political, Legal, and Security Affairs) rejected this conclusion. Luhut, who also initiated the symposium, emphasised that the state's involvement in the 1965 tragedy was a long time in the past, so the state does not need to apologise. In addition, the government cannot immediately carry out rehabilitation because it has to look at the overall government budget and consider the military victims (KontraS, 2018: 65-67).

The events of 1965-1966 are very complicated cases intertwined with various interest groups, such as the Army, Islamic groups, remnants of the New Order regime, and community groups indoctrinated with anti-communist discourse. Therefore, various resolution initiatives always face substantial challenges. Even since the Constitutional Court annulled the TRC Law, there has been no significant effort from the central government to resolve past gross human rights violations in the 1965-1966 incident.

The stagnation of efforts to resolve human rights violations of the incident of 1965-1966 was most likely caused by two things. First, there was strong resistance from anti-communist groups, as happened when President Gus Dur took the initiative to revoke the 1966 TAP MPRS, which was allegedly one of the causes of his removal from the presidency (Robinson, 2018). This incident became a consideration for the post-Gus Dur government to be more careful in resolving the 1965-1966 incident cases. Inaccuracies in the policy of resolving the 1965-1966 cases can create new chaos instead of solving them. Second, amid the still strong anti-communist group that opposes the resolution of human rights violations in the 1965-1966 incident, the most rational choice to prevent new conflict is to delay or even ignore the entire process of resolving the 1965-1966 incidents.

Amid the stagnation of the national initiative of transitional justice related to the 1965-1966 incident in Indonesia, a local initiative from SKP-HAM of Central Sulawesi, in collaboration with the Palu Regional Government, succeeded in implementing transitional justice with a restorative justice mechanism.

4. The Role of Informal Mechanism of SKP-HAM Central Sulawesi.

Quinn (2005:8) divided the transitional justice mechanism into two models: the formal mechanism carried out by a state/international body and the informal mechanism carried out by civil society. In transitional justice discourse and practice, informal mechanisms are often considered only complementary to the state's formal mechanisms. However, in the case of local initiatives in Palu, informal mechanisms can play a significant role in almost the entire process of realising restorative justice. Nevertheless, it must be admitted that the role of the formal mechanism (Palu Regional Government) remains irreplaceable because there are things that cannot be done through informal mechanisms. Collaborating the two mechanisms makes local initiatives for restorative justice in Palu more effective and have a broader impact.

4.1. Truth-Seeking

In actualising transitional justice, one of the essential mechanisms to apply is the disclosure of the truth. Revealing the truth is an important way of dealing with a dark past. Telling the truth can end the suffering of victims and survivors who have no information about who is responsible for the crimes. Truth-telling can also serve as reparation for those not actually involved in the alleged crime (Zalaquett, 1995). In the society's efforts to

overcome the legacy of violent violations of gross human rights, they must face their past, overcome it, and move forward from these violent incidents. Therefore, for a better future, whatever the reason and however painful it is, the past violence is essential to uncover (Quinn, 2005). SKP-HAM Central Sulawesi made several attempts to seek the truth (truth-seeking) related to the violence related to the 1965-1966 Incident in Palu. Some of them are through village discussions, publishing biographies of victims and perpetrators, and conducting research and verification of victims of 1965-1966 in Palu.

4.1.1. Village Discussion

The village discussion is one of the methods used by SKP-HAM Central Sulawesi to seek the truth regarding the violence that occurred in the 1965-1966 incident in Palu. SKP-HAM started its local initiative by fighting for women who survived the 1965-1966 incident who were arrested, detained, or whose husbands were arrested, detained, or killed. As it is well known, after the G30S/1965 incident, there were arrests, murders, and imprisonments of PKI people or those affiliated with PKI. The clean-up occurred systematically and was widespread in almost all parts of Indonesia, including Palu and its surroundings. To reveal the bitter experiences of the women who survived the 1965-1966 incident, Nurlaela (General-Secretary of SKP-HAM) met them in Palu, Sigi Regency, and Donggala Regency (interview with General-Secretary of SKP-HAM, 2021)

Furthermore, since 2006 the survivors' meetings have been held at the SKP-HAM secretariat. In the meetings held on the 13th of every month, telling stories is a method of revealing the truth from survivors. From this meeting, SKP-HAM obtained much information about the number of victims, places of detention, shooting locations, victims afraid to leave their homes after being detained, and even victims who committed suicide. From these stories, an idea emerged to have reconciliation at the family level. The so-called "village discussion", a local approach to truth-telling, was also carried out from one house to another house of the survivors (Surya, 2016). SKP-HAM also meetings with village leaders (*lurah* and *camat*) and religious leaders to discuss issues related to human rights. The topics included national laws related to human rights, the truth and reconciliation commission, and, more specifically, the 1965 mass violence (Wahyuningroem, 2018).

4.1.2. Publishing the True Story of The 1965-1966 Victims and Perpetrators in Palu

The SKP-HAM interviewed the 1965-1966 incident victims and perpetrators in Palu. The results of this interview have been published in the book "Sulawesi Bersaksi" (Sulawesi Witnessing). This book reveals the never-to-be-revealed true story of 13 victims and the various acts of violence experienced by them and the recognition of a perpetrator and his courage to express the execution carried out against 3 PKI Palu leaders. "I am a Muslim, and I do not want to lie, three PKI people are actually not lost, or run away, but have been killed. I'm the one who digs the hole" (Sukanta, 2013: 27-40). The publication of the book "Sulawesi Bersaksi", the story of the victims and perpetrators, is also an effective means of revealing the truth about the existence of citizens of the nation who have been victims of human rights violations in the 1965-1966 Incident. The publication of this book not only reveals the truth that will be known by the current generation but also to the future generation.

4.1.3. The Research and Investigation of the 1965-1966 Victims in Palu

After the G30S/1965, a failed coup in which PKI was accused of being the mastermind, a wave of protests demanding the disbandment and purge of PKI and its entire organisation occurred in almost all parts of Indonesia. Protests and demonstrations also took place in Palu from October 1965 – to February 1966, followed by a wave of arrests, detentions, and imprisonments of PKI members and their sympathisers.

Mass violence related to the 1965 incident in Palu occurred in four waves. First, the arrests and detentions that occurred in late 1965 targeted PKI leaders and members of their supporting organisations. In the second wave, arrests and detentions in 1966-1967 targeted PKI members and their supporting organisations. In the third wave, there were arrests and detentions from 1969-to 1970; the targets were members of the Brawijaya Military Unit, Battalion 711 Raksatama Palu, who were accused of being involved in PKI. The fourth wave occurred in 1975;

arrests and detentions were made based on the "New Style PKI Movement" in Central Sulawesi, targeting Indonesian National Party (PNI) activists (Surya, 2016:117).

From the data compiled by SKP-HAM, 1,210 political prisoners became victims of human rights violations, starting from Palu, Sigi, Donggala, and Parigi Moutong. Human rights violations also continued with the stigmatisation of victims and their families. The types of human rights violations and the number of the 1965-1966 victims can be seen in Table 1.

Table 1: Types of Human Rights Violations and the Number of Victims

No.	Types of Violations	Number of Victims	
		Male	Female
1.	Forced labour	650	143
2.	Compulsory reporting	577	204
3.	Torture	247	23
4.	Arbitrary arrests	219	28
5.	Arbitrary detentions	117	19
6.	Taking and ending sources of livelihood	43	6
7.	Inhumane treatment	20	15
8.	Extortion	20	2
9.	Theft/ looting/ robbing of goods	10	2
10.	Unfair trials	11	0
11.	Lack of income	10	0
12.	Forced disappearance	4	0
13.	Sexual violence	0	4
14.	Burning and damage of homes and personal belongings	3	0
15.	Attempted executions	1	0
16.	Rape	0	1

Source: SKP-HAM of Central Sulawesi.

4.2. Grassroots Reconciliation

To publicise the grassroots reconciliation, SKP-HAM held a public event/ open dialogue with the title "Stop Human Rights Violations" in Gelora, Palu, on March 24, 2012. In this dialogue forum, SKP-HAM invited the victims and perpetrators. One of the perpetrator's representatives, Sergeant Bantam, and a victim's representative, Rafin, testified on stage. The two parents embraced as they stood on the stage to testify, even shedding sad and happy tears. According to Rafin, Bantam was not only a soldier who looked after the prisoners but also became a friend to him. At the same time, Bantam said that hundreds of PKI people in Palu were good people, including the four leaders who were killed. This testimony was witnessed and heard by dozens of guests, ranging from students, journalists, artists, culturalists, NGO activists, party activists, regional representative council members, and the mayor of Palu. Next, in his greeting, the mayor of Palu, Rusdi Mastura, apologised to the victims and survivors of the 1965-1966 incident. Because at that time, as a student who was active in the boy scouts, he received orders to arrest PKI people and hold them in detention. Furthermore, he promised to make a reparation program, including rehabilitating survivors who had been labelled as criminals and atheists. Before Rusdy Mastura apologised, Shinta, one of the children of the perpetrators of the 1965-1966 violence, also apologised to the victims on behalf of her father, a retired police officer (interview with Lamasitudju, Secretary General of SKP-HAM, 2021).

The open dialogue showed a grassroots reconciliation: the testimony of Sergeant Bantam (a perpetrator) and Rafin (a victim) embracing on the stage, and the apology delivered by Shinta (the daughter of a retired police officer who perpetrated violence) shows that there has been the grassroots reconciliation. Previously, Shinta had also met and apologised to the 1965-1966 incident victims on behalf of her father.

The success of SKP-HAM in actualising the truth-telling and the grassroots reconciliation, which later developed into structural reconciliation in Palu, proves that informal mechanisms can play a significant role, not just a complementary one to formal mechanisms initiated by the state. The SKP-HAM informal mechanism is a community-based conflict resolution model to address past gross human rights violations and restore social cohesion in the community. However, it must be acknowledged that informal mechanisms also have limitations, especially in terms of the authority to decide on political policies such as conducting reparations for victims and other political policies. Formal institutions hold this kind of authority. Therefore, collaborating with formal and informal mechanisms can make the two mechanisms complement each other.

5. The Role of Formal Mechanism of the Palu Regional Government

5.1. Apology from the Mayor of Palu

The formal initiative of the Palu regional for restorative justice in Palu was started by the mayor of Palu's apologising. Rudy Mastura, both personally and on behalf of the Palu regional government, apologised to the 1965/1966 incident victims in Palu (Gumilang, 2016). In addition, he also admitted his involvement as a perpetrator because, at that time, as a scout, he was also tasked with capturing and guarding PKI people and those affiliated with them. His apology was not based on any particular political tendencies but for the sake of humanity. Rudy Mastura has a powerful political will to follow up his apology by actualising the program for the recovery of the victims of 1965-1966.

According to Tavuchis (1991), offering an apology in the reconciliation process is the most straightforward way to admit guilt. A good apology requires at least an acknowledgement of the fact of human rights violations and responsibility by the wrongdoer and an expression of remorse.

5.2. Reparation Program for the 1965-1966 Victims

The consequence of an apology is fulfilling the victims' human rights so that they are no longer citizens who experience discrimination and stigmatisation. Palu Mayor Rudy Mastura (2010-2015) has a powerful desire to realise the reparation of the victims of 1965-1966. However, the program for the recovery of victims of 1965-1966 is not easy to carry out, as this is still a sensitive political issue. There are also other issues related to legal footing and budgeting for its implementation. The local government of Palu faces two main problems. First, no specific legal basis can be used as a basis for reparations for the victims of 1965-1966. Second, there is no local government budget nomenclature that can specifically be used to finance the implementation of reparations for the victims of 1965-1966.

5.1.1. Legal Basis for the 1965-1966 Victims Reparation Program

The problems did not dampen Rudy Mastura's determination to realise the reparation program for the victims of 1965-1966. The RANHAM Work Group (Pokja), formed with Mayoral Decree Number 180/1691/Hkm/2011, was tasked with finding legal references that could be used as the basis for the reparation program for the victims of 1965-1966. The Pokja members consist of elements of the government, civil society, academics, and religious leaders. SKP-HAM is part of this RANHAM Work Group, representative of civil society.

When seeking a legal foothold, the RANHAM Work Group considered the Regional Government Law as the first option to become the legal basis for the victim recovery program (Interview with Lamasitudju, General-Secretary of SKP-HAM, 2021). Based on Law Number 23 of 2014, regional autonomy is the right, authority, and obligation of an autonomous region to regulate its government affairs and the local community's interests in the system of

the Unitary State of the Republic of Indonesia (NKRI). The realisation of the principle of decentralisation in the administration of the government applies the concept of regional power-sharing, which divides the power of a country vertically into "central government" and "local government" powers. Based on the law, the local government has the right, authority, and obligation to regulate the local community's interests. According to Kjellberg (1995: 40), regional autonomy has three essential values: liberty, democracy, and efficiency. Liberty concerns regional autonomy, while democracy relates to local community participation in various local government policies and efficiency from regional autonomy and democratisation. Unfortunately, Law No. 23 of 2014 concerning the Regional Government does not regulate the authority of the regional government to decide on political policies related to the rehabilitation and reparation of human rights victims, especially the victims of 1965-1966. Political policies like this fall under the central government's authority, so if they are forced, there are fears that they will be brought before the law in the future (Interview with Lamasitudju, General-Secretary of SKP-HAM, 2021).

The regional government law can only be an entry point for local initiatives for transitional justice. However, it cannot be the legal basis for the victim reparation program because it does not regulate the regional government's authority regarding reparations for the victims of 1965-1966. In addition, there is also no budget nomenclature for program financing. Therefore, another legal basis is needed that can be used for reparations and has a budget nomenclature to finance the program. Finally, based on considerations which are most likely to be carried out without crossing the limits of the authority of the regional government, the RANHAM Work Group decided on Presidential Regulation No. 23 of 2011 concerning RANHAM (National Action Plan on Human Rights) as a legal reference for the creation of Mayoral Regulation No. 25 of 2013 concerning RANHAMDA (Regional Action Plan on Human Rights), which became the basis for the reparation program for the victims of 1965-1966 in Palu. This choice was a "tactical-strategic" effort of the RANHAM Work Group to fulfil the human rights of the victims of 1965-1966.

Mayoral Regulation No. 25 of 2013 concerning RANHAMDA contains 17 articles. Three articles contain regulations regarding fulfilling the victims' rights of human rights violations (Firdaus et al., 2015). RANHAMDA also regulates the cooperation of civil society organisations with state institutions to fulfil the human rights of victims. Through this RANHAMDA, the program for reparations for the victims of 1965-1966 could be carried out without violating the Palu Regional Government's budget nomenclature. Meanwhile, the budget for the recovery of the victims is included in the government's social assistance program for poverty alleviation. It is referred to as a "tactical-strategic" effort to fulfil the rights of the victims to recover through three complementary legal bases.

The implementation of the 1965-1966 victim reparation program is based on RANHAM and RANHAMDA. However, it should be added that this can be done in the context of decentralisation and regional autonomy as regulated in the regional government law. Without decentralisation and regional autonomy, all political authority related to reparations for the victims of human rights violations from 1965 to 1966 falls under the authority of the central government. Based on this argument, local initiatives for the restorative justice process, including reparations for the victims of 1965-1966, are based on three legal principles: regional government law, RANHAM, and RANHAMDA with their respective functions. The regional government law is the entry point for local restorative justice initiatives, while Presidential Decree No. 23 of 2011 concerning RANHAM and Mayoral Regulation No. 25 of 2013 concerning RANHAMDA became the basis for implementing the reparations program. Without the local government law, local initiatives are impossible. On the other hand, without RANHAM and RANHAMDA, the victim reparations program cannot be implemented because there is no specific nomenclature related to budgeting for the 1965-1966 victim reparations program.

Looking at the dynamics of searching for legal references, which is very complicated, it is almost impossible for the Palu Regional Government to carry out reparations for the victims of 1965-1966, apart from the fact that there is no legal footing specifically for the 1965-1966 victim reparation program, nor is there a budget nomenclature to finance the program. However, the existence of a strong political will from the mayor of Palu and the tactical-strategic efforts of the RANHAM Work Group to find loopholes from the three legal bases, namely the regional

government law, Presidential Decree No. 23 of 2011 concerning RANHAM, and Mayoral Regulation No. 25 of 2013 concerning RANHAMD, what was almost impossible to do has finally been realised.

5.1.2. Data Collection and Verification of the Victims of 1965-1966

The first step taken by the Palu Regional Government to actualise the victim recovery program was to record and verify the number of victims of the 1965-1966 incident. Research and verification of the victims were carried out by the Palu Regional Government and Central Sulawesi SKP-HAM as part of Mayoral Regulation No. 25 of 2013 concerning RANHAMD. The verification purpose is to ascertain the number of victims as a basis for implementing the 1965-1966 victim recovery program in Palu.

The Research and Verification Team for the Victims of Human Rights Violations of the 1965/1966 incident in Palu classified the victims into three categories. First, there are direct victims, namely those who have experienced human rights violations directly. Second, the affected victims are the victims' nuclear families (children and wife/husband). Third, some victims are affected indirectly, namely the descendants of the victims' close family members (the victims' grandchildren) and other relatives (Firdaus et al., 2015).

The data collection and verification were conducted in two stages. The first stage was done in September-October of 2014, and the second stage was carried out in January-March of 2015. The data collection and verification were carried out by 18 enumerators, most of whom were victims and family members of the victims of human rights violations who were members of the Central Sulawesi SKP-HAM. The data collection started from the data from the Central Sulawesi SKP-HAM documentation conducted from 2006-to 2010, where there were 500 names of victims recorded. This data was then added with secondary data from the Military District Command (Kodim) of 1306 Donggala-Palu and added from the victims' testimonies. The final verification results noted that there were 768 names consisting of 500 names from SKP-HAM, 134 from Kodim, and 134 names from the victim information. However, only 485 victims were willing to be verified and provide further information (Firdaus et al., 2015).

5.1.3. Socio-Economic Condition of the Victims of the 1965-1966 Incident in Palu.

During the 32 years of the New Order government, those deemed to have links to PKI had to live in systemic discrimination. Some discrimination models included the ET (ex-tapol) sign on their identification cards. The inclusion of these marks made them unable to register as civil servants or have other jobs in the government. This showed the occurrence of systemic impoverishment efforts of the New Order regime. Likewise, their access to various public services was minimal. However, in the reform era, slowly, all of the New Order's discriminatory policies towards the victims of 1965-1966 began to be revoked.

From research and verification of the number of victims of the 1965-1966 incident in Palu, information was also obtained on their social and economic conditions, which were generally at the lower level. In the northern part of Palu, where the majority of the victims were occupied, especially the Kayumalue Ngapa and Kayumalue Pajeko Village Districts, their education level was only junior high and high school. They worked as small traders, labourers, farmers, and fishermen with an average monthly income of not more than one million rupiahs. But for the victims' families who lived near the city centre, their socio-economic conditions were at the lower middle level. There were some children and grandchildren of the victims who became civil servants (something that was impossible in the New Order era). Besides having average socio-economic conditions at the lower level, some victims also experienced physical disabilities such as tooth loss and reduced hearing and vision functions as a result of being tortured while they were detained. One of the victims was even forced into labour in 18 different places, starting from 1966-to 1979 (Firdaus et al., 2015).

Seeing the socio-economic conditions and physical impacts experienced by the victims of 1965-1966, the recovery program for the victims of the 1965-1966 incident is something that must be done just as part of the mandate of Mayoral Regulation No. 25 of 2013, but also to demonstrate the validity of the apology from the mayor of Palu.

The validity of an apology submitted by a state representative is shown by the acknowledgement of the existence of human rights violations and the responsibility of the state to restore the rights of the victims.

5.1.4. The Implementation of the Reparation Program for Victims of the 1965-1966 Incident.

The promise made by the mayor of Palu, Rusdy Mastura, to give reparations to the victims of the 1965-1966 incident was finally carried out. The reparation program for the victims of 1965-1966 by the Palu Regional Government was in the form of fulfilling basic rights, which included: health insurance (BPJS), scholarships, house renovations, the construction of toilets and bathrooms, small business capital, startup assistance, free ID cards, free birth certificates, clean water assistance, free electricity assistance, a subsidised rice program (Raskin), free land certificates, and free marriage administration fees. The program implementation was based on verifying the needs of the victims and the availability and capacity of the Palu Regional Revenue and Expenditure Budget (APBD). Due to the limitations of APBD, the reparation program was carried out in stages. Victims whose rights had not been fulfilled in the first stage would be budgeted in the next stage. Even though there was a change in the mayor of the city, the local government of Palu continued to fulfil the rights of the victims, but the fulfilment strategy differed from one mayor to another. For example, in the second stage of implementing government assistance such as BPJS (health insurance), subsidised rice assistance, and BLT (direct cash assistance) were handled through the village office so that all the 1965-1966 victims who met the criteria as poor people received the assistance.

Meanwhile, during the period of Mayor Hidayat Toamir (2016-2021), the Palu regional government gave victims the right to express their own needs through the inclusive Musrenbang (Development Planning Consultation). Two victim representatives who attended Musrenbang and other meetings were Asman and Kadarusman. This shows that there is no longer any discrimination and stigmatisation of the victims of the 1965-1966 incident in Palu. The verification and realisation of the 1965-1966 victim reparation program can be seen in Table 2.

Table 2: Reparation Program for the Victims of the 1965-1966 Incident

No	Program	Verification	Realization
1	Scholarships	101 people	25 people
2	BPJS (health insurance)	74 people	74 people
3	House renovations	82 houses	50 houses
4	Livelihoods	119 people	-
5	Toilets and bathrooms	37 families	7 families
6	Community empowerment	2 people	-
7	Family hope aid	106 families	-
8	Subsidised rice aid	22 families	22 families
9	Farming seeds	7 people	-
10	Free birth certificates	50 people	-
11	Clean water aid	14 houses	7 houses
12	Free electricity aid	2 families	2 families
13	Skilled training	10 people	3 people

Source: From SKP-HAM and interview with the coordinator of the 1965-1966 victims in Palu

Furthermore, it should be acknowledged that despite its success, the local initiative for restorative justice in Palu has at least two limitations. First, the rehabilitation of the reputations of the 1965-1966 victims has not been carried out. Second, there is no budget nomenclature that can specifically be used for the 1965-1966 victim reparation program, making its implementation still reliant on poverty alleviation programs, so that its realisation is still not optimal, not commensurate with the suffering of the victims as a result of violence, discrimination, and stigmatisation that they have so far experienced.

6. Conclusion

The central government's initiative to resolve the incident of 1965-1966 has consistently failed in the middle of implementation. This stagnation is very likely due to the still strong resistance from anti-communist groups. In this situation, the government's rational choice to prevent new conflicts is to delay the process of resolving the incident of 1965-1966. Amid the failure of the national initiative, the local SKP-HAM of Central Sulawesi and the local government of Palu emerged, which succeeded in bringing about restorative justice related to the 1965-1966 incident in Palu through truth-telling, grassroots reconciliation, an apology from the mayor of Palu, and reparations for the victims. This study proved that informal mechanisms could play a significant role in actualising restorative justice in Palu. Informal mechanisms from civil society (NGOs and associations of human rights victims) could play a significant role in realising restorative justice through truth-seeking and grassroots reconciliation between victims and perpetrators. However, it must be acknowledged that formal mechanisms' role remained irreplaceable because particular aspects could not be done through informal mechanisms, such as victim reparations. Therefore, collaborating between the two mechanisms is needed for the effectiveness of restorative justice implementation. Another essential element behind the realisation of restorative justice is the role of political actors, namely Rusdy Mastura (Palu's mayor) and Nurlaela Lamasitduju (General-Secretary of SKP-HAM). The strong political will of the Mayor of Palu (2010-2015) was depicted in an apology and the reparation program for the victims of 1965-1966, and the lobbies that the General Secretary of SKP-HAM had been carried out have an essential role in realising restorative justice related to the 1965-1966 incident in Palu.

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