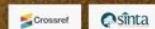




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THE MANIFESTATION OF LAW IN THE ENFORCEMENT OF HUMAN RIGHTS IN INDONESIA

(Legal Review of the Role of Komnas HAM in Aceh)

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Abstract

Although human rights are considered basic rights that are not determined by social views or state legitimacy and are given to every individual from birth, in the context of Indonesia, even though Komnas HAM was established through Presidential Decree No. 50 of 1993 to protect human rights, its implementation still faces various challenges. One of the main problems is the lack of optimisation in the enforcement of human rights. This raises questions about the extent of the state's commitment to protecting human rights and its efforts to strengthen law enforcement mechanisms. The results of the study show that although Indonesia has adequate legal instruments to guarantee human rights, their implementation in the field still leaves gaps. In this study, the author uses qualitative methods with a field research and document analysis approach. The results of this study show that the manifestation of human rights in the Indonesian legal system is realised through the strengthening of regulations, the optimisation of mechanisms for affirming the role and authority of Komnas HAM, and improved coordination between law enforcement agencies.

Keywords: Human Rights, Komnas HAM (National Human Rights Commission), State Commitment, Law Enforcement.

Introduction

In the paradigm of the rule of law, there is a normative responsibility inherent in the state to realise the values of justice through the protection, promotion and enforcement of human rights. However, one crucial issue that attracts significant attention is how the state implements its duty to guarantee, promote and enforce human rights. Essentially, the rule of law seeks reconciliation and comprehensive protection of human rights. Therefore, in order to realise the basic principles of the rule of law (*rechtsidee*), it is necessary for the state to take an active role, one of which is through the establishment of institutions tasked with effectively enforcing human rights. Komnas HAM obtained legal justification through Presidential Decree No. 50 of 1993 as the legal basis for its establishment. However, in its early operational phase, Komnas HAM was criticised for its perceived lack of independence, as its functional freedom was considered to be influenced by the government, making it prone to being used as a tool of the state to quell protests related to human rights violations during the New Order era.¹

Even though Indonesia has formally demonstrated its commitment to upholding human rights during its first five years of existence, under an authoritarian, repressive regime that restricts human rights, the National Human Rights Commission is essentially more of a decoration than an institution that effectively safeguards and enforces human rights with high credibility, independence and integrity.² Although Indonesia has ratified various human rights

¹ Sholihin Bone, "Penataan Kewenangan Komisi Nasional Hak Asasi Manusia: Telaah Sistem Hukum," *Jurnal Ilmu Hukum AMANNA GAPPA*, Vol. 29, No. 1, (2021) hlm. 15-16.

² Viddy Firmandiaz and Jadmiko Anom Husodo, "Penyelesaian Kasus Pelanggaran Hak Asasi Manusia

instruments, human rights violations continue to occur. Several literature reviews prove that the biggest obstacles stem from practical shortcomings in the development and implementation of human rights mechanisms at the national and local levels, as well as the involvement of interested parties. Solutions often emphasise the fulfilment of rights, while the fulfilment of obligations is often neglected.

The enactment of Law No. 39 of 1999 on Human Rights as a comprehensive legal framework has not been fully effective in curbing widespread injustice and discriminatory actions that violate fundamental rights. This regulation has indeed brought about structural improvements for Komnas HAM compared to previous provisions, but it is not yet strong enough to assert its position as a truly independent institution. As a result, the institutional structure of Komnas HAM still lacks sufficient sharpness, thereby affecting its performance and efficiency in protecting and promoting human rights.³ Articles 28A to 28J of the 1945 Constitution affirm human rights as constitutional guarantees enforced by the state. Yet, in practice, their implementation has not been fully aligned with constitutional principles, as reflected in the ongoing human rights violations to this day. In Indonesia, the enforcement of human rights remains uncertain, influenced by government policies that prioritise stability and state protection, limited legal facilities, and low public awareness. Inadequate education has also shaped the public's perspective, making them susceptible to provocation and unresponsive to human rights issues, thereby further complicating the enforcement process.⁴

The National Human Rights Commission (Komnas HAM) plays an essential role in Indonesia's human rights protection structure, with *responsibility* for ensuring the efficient respect, protection and promotion of human rights. The implementation of these mandates has thus far faced various functional and operational obstacles, such as budget constraints, a shortage of professional human resources, and poor coordination between agencies that should support Komnas HAM's work.⁵ Problems in the implementation of human rights in Indonesia are inseparable from the overall issue of law enforcement. Several issues important that often become the focus of society are instability and ineffectiveness of law enforcement agencies in responding to human rights violations, especially in high-profile cases that attract national attention. Lack of legal certainty, slow and lengthy legal procedures, and lack of government transparency. This situation is exacerbated by the fact that human rights violations arise not only in the context of general crimes, but also in the form of structural and financial crimes.⁶

The purpose and role of a state's existence is the responsibility to protect and provide services to its citizens. In its capacity as a responsible entity, the state must implement human rights for all its citizens without exception. The achievement of justice in human rights will create a prosperous society free from discrimination. A state's non-compliance with human rights can have consequences for that state, known as (state responsibility).⁷ A state based on

Berat Di Indonesia Oleh Komisi Nasional Hak Asasi Manusia Ditinjau Dari Kewenangannya (Studi Kasus Timor-Timur)," *Res Publica*, Vol. 4, No. 1, (2020), hlm. 93.

³ Zachary Raihan Pasha, Meri Yarni, and Iswandi, "Peran Komnas HAM Dalam Mengawasi Dan Memastikan HAM Berdasarkan Kepres Nomor 50 Tahun 1993," *Limbago: Journal Constitutional Law*, Vol. 4, No. 2, (2024), hlm. 244.

⁴ Pasha Athallah Rasyad et al., "Konsistensi Pemerintah Indonesia Dalam Menjamin Hak Asasi Manusia Ditinjau Dari Aspek Yuridis Dan Historis," *Innovative: Journal Of Social Science Research*, Vol. 4, No. 3, (2024), hlm. 2-10.

⁵ Rizki Yudha Bramantyo, Irham Rahman, and Fitri Windradi, "Komisi Nasional Hak Asasi Manusia Sebagai State Auxiliary Agencies Pada Sistem Ketatanegaraan Indonesia," *MORALITY: Jurnal Ilmu Hukum*, Vol. 9, No. 1, (2023), hlm. 44.

⁶ Anang Dony Irawan and Umar Sholahudin, "Analisis Penegakan Hukum Dan Hak Asasi Manusia Di Indonesia," *Jurnal Citizenship Virtues*, Vol. 4, No. 2, (2024), hlm. 852.

⁷ Farid Wajdi, "Pelanggaran Hak Asasi Manusia Dan Tanggung Jawab Negara Terhadap Korban," *Jurnal Yudisial*, Vol. 14, No. 2, (2021), hlm. 236.

the rule of law, such as Indonesia, has a responsibility to ensure respect for the basic rights of all its citizens without exception. However, the reality on the ground shows that there are still many violations and injustices related to human rights. This situation raises the question of whether human rights in Indonesia truly exist as a reality that can be felt by every community, or whether they are merely an illusion that has been marginalised in the social and political dynamics.⁸

According to the author, the choice of the word manifestation in the title of this study is not without reason. Manifestation not only describes ideals and goals, but also encompasses the fear of failure. As explained by Andy Denta in *Limitless Abundance*, manifestation is the process of projecting ideas into the real world, which must be accompanied by effort. This is similar to what is stated on the Berkeley Well Being website, that in every effort to realise something, there is always fear, but this is a natural part of the realisation process. In the context of the rule of law, the law should be manifested as a tangible instrument that guarantees the rights of citizens while addressing the community's anxiety and fear of ongoing human rights violations. This study aims to examine in depth how the legal system in Indonesia carries out its role in enforcing human rights, although legally every citizen has the right to justice, the reality on the ground shows that there are various imbalances in its implementation. This indicates that there are serious problems in the structure of human rights law enforcement in Indonesia. Therefore according to the author's perspective, this study emphasises the need for legal reform, including enhancing the role of Komnas HAM and revising Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Courts.

Method

In this study, the author decided to use a qualitative approach because it is considered capable of providing a deeper understanding of social phenomena, behaviour, or human experiences. Qualitative research itself covers two approaches, namely descriptive (describing social events or situations) and analytical (emphasising meaning, interpretation, and data comparison). In this method, explanations are provided through narratives or words, and the researcher plays a key role in understanding the data.⁹ Meanwhile, the type of research used by the author in this study is juridical-empirical. Juridical-empirical research is research that places greater emphasis on events in the field. The focus is on revealing and identifying how the law is applied in social reality, how the law interacts with community behaviour, and the social factors that influence it. This method collects data through observation, interviews, and field research.¹⁰

Discussion

The evolution of Komnas HAM's independence has shown gradual progress, but not very significant. Established by Presidential Decree and subsequently regulated by Law No. 39 of 1999, this institution has not yet fully operated autonomously as an independent institution. Two decades after the law came into effect, Komnas HAM is still considered to have failed to demonstrate its effectiveness and strategic role in fulfilling human rights. Therefore, legal transformation is needed to strengthen its position and performance in enforcing human rights.¹¹ In practice, Komnas HAM faces various challenges, such as a low understanding of

⁸ Widya Margareth Napitupulu, "Hak Asasi Manusia: Fakta Atau Mitos Di Indonesia Era Masyarakat Society 5.0," *Semarang State University Undergraduate Law and Society Review*, Vol. 3, No. 2, (2023), hlm. 201-202.

⁹ Marinu Waruwu, "Pendekatan Penelitian Pendidikan: Metode Penelitian Kualitatif, Metode Penelitian Kuantitatif Dan Metode Penelitian Kombinasi (Mixed Method)," *Jurnal Pendidikan Tambusai*, Vol. 7, No. 1, (2023), hlm. 2898.

¹⁰ Widelia Andiani Nadiffa and Beni Ahmad Saebani, "Perbandingan Yuridis Empiris Dengan Yuridis Normatif Dalam Ilmu Sosiologi," *Jurnal Hukum Dan Kewarganegaraan* 9, no. 2 (2024).

¹¹ Febriansyah Ramadhan, Xavier Nugraha, and Patricia Inge Felany, "Penataan Ulang Kewenangan

justice among the public and state apparatus, as well as limitations in its structural authority. In addition, Komnas HAM's handling of human rights violation cases can be said to be inefficient due to its limited authority, which has implications for the ineffective resolution of human rights violations in Indonesia, particularly cases of gross human rights violations.¹²

Important issues regarding human rights in Indonesia are closely related to the protection and enforcement of the law, which in principle form an inseparable whole. Although Law No. 39 of 1999 on Human Rights serves as the legal basis, its implementation has not met public expectations. This is influenced by the limited role and authority of Komnas HAM, with the result that its effectiveness in protecting and enforcing human rights has not yet reached the ideal level.¹³ The current legal framework has brought progress in strengthening the position and function of Komnas HAM compared to previous regulations. However, these provisions are still not strong enough to affirm the existence of this institution as a truly autonomous and independent institution. A number of fundamental dysfunctions are still evident, which have made Komnas HAM's position fragile and impacted the effectiveness of its duties. Its authority is not yet fully structured and is not yet fully in line with its main mandate. Therefore, more comprehensive and decisive regulations are needed so that Komnas HAM can play an optimal role in the enforcement and promotion of human rights.¹⁴ This step is also an important part of realising the manifestation of law to guarantee the basic rights of citizens.

Based on the author's interview with Mr Sepriady Utama, S.H.¹⁵, Head of the Secretariat of the Aceh Representative Office of the National Human Rights Commission, it was revealed that one of the fundamental problems in the human rights protection system in Indonesia lies in the non-binding nature of the recommendations issued by the National Human Rights Commission, both in terms of monitoring and the results of investigations into alleged violations. This condition indicates a normative vacuum that hinders the realisation of the law in the enforcement of human rights. According to Sepriady Utama, there needs to be a fundamental change through the revision of Law No. 39 of 1999 on Human Rights to strengthen the legal position of Komnas HAM recommendations so that they are not only moral assessments but also have concrete legal consequences. Ideally, the revision should include a mechanism for compliance with recommendations, administrative sanctions for those who ignore them, and periodic evaluations of their follow-up. Therefore, in order for the manifestation of law in the enforcement of human rights to truly be realised, regulatory reforms are needed that not only strengthen the authority of Komnas HAM structurally, but also give binding legal force to each of its recommendations.

Recently, Indonesia has often been the focus of international attention in terms of human rights enforcement. Issues related to human rights enforcement are always linked to law enforcement, which to this day is still considered a weak point and often a major problem for society.¹⁶ This situation is also clearly illustrated in the context of Aceh, where cases of gross human rights violations such as Rumoh Geudong, Jambo Keupok, and Simpang KKA have yet

Penyidikan Dan Penuntutan Dalam Penegakan Hukum Pelanggaran HAM Berat,” *Veritas et Justitia*, Vol. 6, No. 1, (2020), hlm. 202-203.

¹² Risma Sri Nurani, “Aktualisasi Peran Komisi Nasional Hak Asasi Manusia Republik Indonesia Dalam Kasus Pelanggaran Hak Asasi Manusia,” *Jurnal Iman Dan Spiritualitas*, Vol. 2, No. 3, (2022), hlm. 471.

¹³ Sun Fatayati and Ahmad Gelora Mahardika, “Rekonstruksi Regulasi Sebagai Optimalisasi Perlindungan Dan Penegakan Hak Asasi Manusia Dalam Sistem Ketatanegaraan Indonesia,” *Indonesian Journal of Humanities and Social Sciences*, Vol. 3, No. 3, (2022), hlm. 292-293 .

¹⁴ Darul Akbar and Muhammad Amin, “Kedudukan Komisi Nasional Hak Asasi Manusia Berdasarkan Peraturan Perundang-Undangan,” *Limbago: Journal of Constitutional Law*, Vol. 3, No. 2, (2023), hlm. 244-246.

¹⁵ Hasil Wawancara Bersama Kepala Sekretariat Komnas HAM Perwakilan Aceh Bapak Sepriady Utama.

¹⁶ Noval Dwi Satria and Marta Deki Putra, “Menilik Kasus Pelanggaran HAM Berat Yang Terjadi Di Indonesia Dari Masa Ke Masa,” *Jurnal Hukum Dan Kewarganegaraan*, Vol. 7, No. 4, (2024), hlm. 2.

to find a conclusive legal resolution. This shows that although human rights protection is guaranteed by the constitution, its implementation in the field is still far from expectations.

1. The Portrait of Human Rights Enforcement in Indonesia and Aceh as a Reflection of the Manifestation of Law

In emergency situations in Indonesia, the implementation of legal norms often has serious consequences for the guarantee of basic individual rights. One clear illustration of this occurred when Military Operations Area (DOM) status was imposed in Aceh in the 1990s. Although formally intended to suppress separatism, various human rights violations were committed against civilians. The Jambo Keupok incident in South Aceh is an extreme example, ranging from torture and enforced disappearances to extrajudicial executions. This confirms that human rights violations during the emergency period were systematic, widespread and destructive of fundamental rights.¹⁷

The period from 1990 to 1998 marked the implementation of Military Operations Area (DOM) status in Aceh, which was accompanied by various human rights violations. The conflict was triggered by the political dynamics of certain groups pushing for Aceh's separation from Indonesia. During that period, civilians were victims of various forms of violence, including murder, kidnapping, and torture.¹⁸ These conditions show that human rights violations in Aceh were not solely triggered by political dynamics, but also reflected the weak implementation of laws to protect the rights of citizens. In this context, the role of Komnas HAM becomes crucial as an institution that should be able to manifest the law in practice.

The transformation of the state apparatus had raised hopes that the practice of impunity for human rights violations would come to an end. The ad hoc team investigating the events of May 1998 carried out its mandate with credibility and proposed the prosecution of security officials. In the context of Aceh, the findings of the investigation team confirmed that the repressive actions of the military constituted state violence, which was understood by the community as a policy maintained for the sake of facilitating the exploitation of Aceh's natural resources for the benefit of the central and regional elites.¹⁹ The series of human rights violations that occurred in Aceh demonstrates the urgent need for a legal system that truly works, not only to bring accountability and a sense of justice to the public, but also as a form of the state's sincerity in restoring the dignity of the victims. At this point, strengthening authority and ensuring the implementation of recommendations are the keys to ensuring that human rights do not remain mere discourse, but rather become real protection.

Although Aceh now appears calmer, the responsibility of the central and regional governments to uncover the truth about the violence that claimed 10,000–30,000 lives remains stalled. Victims continue to suffer, while recovery has only come in the form of collective assistance for the community in general, not for each individual who has been hurt. The findings of the National Human Rights Commission in March 2016 revealed evidence of gross human rights violations in North Aceh in accordance with Law No. 26 of 2000, but investigations and prosecutions have not been carried out, the perpetrators remain free, and justice for the victims remains a delayed promise.²⁰ For almost a decade, from 1989 to 1998,

¹⁷ M. Reza Saputra, Irwan Triadi, and Taufiqurrohman Syahuri, "Hukum Tata Negara Darurat Dalam Perspektif HAM : Dilema Antara Keamanan Negara Dan Hak Asasi Manusia," *Birokrasi: JURNAL ILMU HUKUM DAN TATA NEGARA*, Vol. 2, No. 4, (2024), hlm. 183-191.

¹⁸ Sindy Prasetyo, "Pelanggaran Hak Asasi Manusia Di Indonesia," *Indigenous Knowledge*, Vol. 2, No. 1, (2023), hlm. 55.

¹⁹ Jemmy Dedi Rengku, "Alternatif Penyelesaian Pelanggaran Hak Asasi Manusia Di Indonesia," *Journal Scientific of Mandalika (JSM)*, Vol. 6, No. 5, (2025), hlm. 1314.

²⁰ Alvia Rahma, "Pertanggungjawaban Pidana Terhadap Kejahatan Kemanusiaan Berdasarkan Undang – Undang Nomor 26 Tahun 2000 Tentang Pengadilan Hak Asasi Manusia Alvia Rahma Pemerintah Indonesia Dibawah Presiden Habibie Menerbitkan Peraturan Pemerintah," *Cendikia: Jurnal Hukum, Sosial Dan Humniora*,

the DOM in Aceh wrote a dark chapter that cannot be resolved in an instant. The government should take concrete, consistent and non-violent measures, including social rehabilitation. The armed conflict between GAM and the government affected civilians, even though they were not directly involved. They experienced social pressure, loss of security, and were forced to seek protection. Massive human rights violations occurred, while the basic rights of the Acehnese people were neglected and even discriminated against by the warring parties.²¹

Various forms of actions and practices that took place on the conflict line, as documented in the reports of the Aceh Ad Hoc Team and the Komnas HAM Human Rights Monitoring Team during the period when the Military Emergency status was in effect in Aceh, clearly illustrate that the parties involved in the conflict have taken steps that have the potential to, and in fact have, degraded human dignity and values. In fact, human dignity is the fundamental essence of human rights itself.²² This reality further emphasises that a number of human rights violations in Aceh to date still leave fundamental issues unresolved. Re-examining the dark history of Aceh is a step towards dismantling impunity, rekindling fading trust, and reaffirming the state's commitment to human values. The reality that the law is still far from being fully implemented in the enforcement of human rights in Aceh can be seen from the many cases of violations that have not been adequately resolved.

Tabel. 1
Table of human rights violations in Aceh

| No. | Serious Human Rights Violations | Year | Form of Violation | Current Status of Law Enforcement | Latest Status/Stage Handling |
|-----|--------------------------------------|-------------------|--|---|------------------------------------|
| 1. | DOM Aceh (Military Operational Area) | 1989 - 1998 | Systematic torture, arrests without due process, forced disappearances | Recognised by the National Human Rights Commission as a period of gross human rights violations involving various forms of violence against civilians, but to date there has been no legal resolution and the case has not been brought to court. | There has been no legal resolution |
| 2. | Rumoh Geudong-Pos Sattis, Pidie | 1989 - 1998 | Arrest arbitrary, torture, enforced disappearance | Recognised as a gross violation of human rights by the National Human Rights Commission. Investigations into the victims and non-judicial settlement processes have been completed, but many victims are still waiting for official documents while legal proceedings remain pending. | Initial non-judicial process |

Vol. 1, No. 4, (2023), hlm. 317-318.

²¹ Moh Ikhlasul Adha, "Analisis Dampak Konflik Bersenjata GAM Dengan Pemerintah Indonesia Terhadap Masyarakat Sipil Dalam Perspektif HAM," *Gudang Jurnal Multidisiplin Ilmu*, Vol. 1, No. 4, (2023), hlm. 18-20.

²² M.M. Billah, *Bau Anyir Yang Terpinggir: Aceh Di Masa Darurat Militer Dalam Perspektif HAM*, *Jurnal Hak Asasi Manusia*, Vol. 10, No. 10, (2021), hlm. 30 .

| | | | | | |
|-----|---|-------------|--|--|---------------------------------------|
| 3. | Simpang KKA, North Aceh | 1999 | Shooting of civilians without due process | Including three cases of gross human rights violations recognised by the state, the victims have been examined, but the legal process has not yet reached the stage of investigation or judicial resolution. | No investigation has been conducted |
| 4. | Jambo Keupok Massacre, South Aceh | 2003 | Mass murder of civilians and the burning of houses | Have been recognised as serious human rights violations. Investigations have been conducted, but no further legal proceedings have been initiated and the victims have not received full justice. | No further legal proceedings |
| 5. | Bumi Flora, East Aceh | 2001 | Killing of civilians by security forces | Still under investigation by Komnas HAM. Legal proceedings have not yet been brought to court and the resolution process is still stalled at an early stage. | Initial investigation |
| 6. | Timang Gajah, Bener Meriah | Early 2000s | Arrest and violence against civilians | Included in civil society reports as gross human rights violations. There has been no follow-up investigation or significant legal action to date. | No follow-up |
| 7. | Idi Cut incident, East Aceh | 1999 | Mass shooting of civilians | Recognised as a gross violation of human rights. However, the legal settlement has not seen significant progress and has not been brought to trial. | Not yet brought to court |
| 8. | Murder of Tgk. Bantaqiah, West Aceh | 1999 | Murder of a cleric and students by officials | Included in the report of gross human rights violations. To date, there has been no judicial resolution and the victims have not received full justice. | There has been no judicial resolution |
| 9. | Enforced Disappearance of Pro-Peace Activists | 2000 - 2004 | Kidnapping and enforced disappearance | Included in reports by the National Human Rights Commission and civil society. To date, no significant legal action has been taken and the case has not been brought to court. | No legal action has been taken |
| 10. | Military Emergency I & II in Aceh | 2003 - 2004 | Structured violence against civilians | Classified as a gross human rights violation by the National Human Rights Commission. However, there has been no follow-up legal action and the case has not been brought to court. | Not brought to court |

Source:²³ Indonesian National Human Rights Commission. Report on the Investigation of Gross Human Rights Violations in Aceh, compiled from HRW (Human Rights Watch), *Indonesia: Accountability for Human Rights Violations in Aceh (2002)*, *Indonesia: the War In Aceh (2001)*; Amnesty International, *No Peace Without Justice: Victims of Indonesia's Aceh Conflict Demand Truth, Justice and Reparation* (2013); ANTARA News, *Komnas HAM still investigating serious human rights violations in Aceh (2025)*, *Civil society calls on Komnas HAM to continue investigation into serious human rights violations in Aceh (2025)*.

Indonesia's transition to the reform era brought about major changes in political life, making it more open and democratic. These changes also encouraged the government to take steps to rebuild peaceful relations in Aceh. However, the various efforts made did not produce the expected results, and as a result, the resolution of the conflict remained at an impasse. The long history of human rights violations in Aceh leaves a bitter lesson about the extent to which the law still lags behind expectations of justice. This phenomenon shows that the resolution of gross human rights violations in Aceh still poses a serious challenge to the national legal system.

2. The Essence and Mandate of Komnas HAM as the Embodiment of the Rule of Law in Efforts to Uphold Human Rights

As a manifestation of its constitutional responsibility to uphold human dignity, the state has established an institution called upon to promote and protect the human rights of every individual, namely the National Human Rights Commission (Komnas HAM). Its presence is not merely a sign of loyalty to human values in a democratic state governed by law, but also a manifestation of the awareness that respect for basic rights requires an institution that is committed to humanity.²⁴ The establishment of Komnas HAM in 1993 through Presidential Decree No. 50 reflects the state's awareness that the protection of human rights must be realised through a tangible institution. As an independent institution, Komnas HAM plays a role in upholding human values through assessment, education, monitoring and mediation. Its role was strengthened by Law No. 39 of 1999, which elevated Komnas HAM from a policy product to a constitutional pillar in protecting human dignity in Indonesia.²⁵

Komnas HAM's mandate is clearly outlined in Articles 75 and 76 of Law No. 39 of 1999.²⁶ Article 75 states that the purpose of establishing Komnas HAM is to create conditions that support the implementation of human rights and to improve protection and enforcement for the holistic development of the Indonesian people. Article 75 states that the purpose of establishing Komnas HAM is to create conditions that support the implementation of human rights and to improve protection and enforcement for the holistic development of the Indonesian people. Meanwhile, Article 76 emphasises the four main functions of Komnas HAM, namely assessment and research, outreach, monitoring, and mediation in the field of human rights. In addition, Komnas HAM also has strategic authority as stipulated in Article 18 paragraph (1) of Law Number 26 of 2000,²⁷ on human rights courts which provides a legal basis for Komnas HAM to conduct preliminary investigations into alleged gross human rights violations.

²³ Diakses melalui: <https://www.komnasham.go.id/files/-ringkasan-eksekutif-laporan-penyelidikan-%24TKDGTY.pdf>; pada pukul 23.42 WIB, pada tanggal 3 Oktober 2025, <https://www.komnasham.go.id/files/-ringkasan-eksekutif-laporan-penyelidikan-%24E7QP8.pdf>; pada pukul 23.58 WIB, pada tanggal 3 Oktober 2025, diolah dari HRW (Human Rights Watch), Amnesty International dan ANTARA News.

²⁴ Lady Mutiara Apicha, Rizky Anugrah Iq Berlian, and Monalisa, "Kedudukan Komisi Nasional Ham Dalam Konstitusi Dan Ketatanegaraan," *Siyah Jurnal Hukum Tatatanegara*, Vol. 1, No. 1, (2021), hlm. 85-86.

²⁵ Nurliah Nurdin and Ummy Athahira, *Hak Asasi Manusia Gender Dan Demokrasi (Sebuah Tinjauan Teoritis Dan Praktis)*, (Jatinangor: CV Sketsa Media, 2022), hlm. 84-85.

²⁶ Undang-undang No. 39 Tahun 1999 Tentang Hak Asasi Manusia, Pasal 75-76.

²⁷ Undang-undang No 26 Tahun 2000 Tentang Pengadilan Hak Asasi Manusia, Pasal 18 ayat (1).

However, such a noble mandate is not always perfectly realised in practice. Behind the ideal functions and objectives of Komnas HAM, there are still dynamics that challenge the effectiveness of its role in delivering justice and maintaining human dignity.

3. Challenges and Obstacles Faced by Komnas HAM in Upholding Human Rights in Aceh

Realising the enforcement of human rights is not a straightforward journey without obstacles. Behind the noble ideals of the law to uphold human dignity, there are always challenges that test the sincerity of the state in carrying out its mandate. Komnas HAM, as the frontline in these efforts, is no exception to such struggles. Amidst high hopes that this institution will serve as a bridge between law and justice, it is often caught up in structural, institutional and political issues that limit its actions.

The stagnation in resolving various human rights violations in this country is rooted in a knot of problems intertwined in the handling mechanism. Three factors are the main obstacles to the authority of Komnas HAM, namely, structural limitations, the fact that judicial institutions for human rights have not become an effective space for upholding justice, and the fading role of non-judicial dispute resolution, which should be a complementary means of healing human rights violations.²⁸ This situation is evident in Aceh, where various efforts to uncover the truth are often halted at the crossroads of bureaucracy and limited authority. The role of Komnas HAM in this region is often hampered by structural distance from the centre, making the process of enforcing human rights slow and fragmented.

Komnas HAM's limited ability to resolve cases of human rights violations cannot be separated from fundamental problems in its own institutional design. Various obstacles, such as fragile independence, narrow authority, and limited budget, have become real barriers to the effectiveness of its role.²⁹ In handling gross human rights violations, Komnas HAM plays an important role as the initial investigator. However, this authority often encounters various obstacles, one of which is that many investigations are halted at the Attorney General's Office level. This situation stems from the institutional structure of Law No. 26 of 2000, which separates the investigative role of Komnas HAM from the investigative role of the Attorney General's Office.³⁰ This imbalance of authority limits Komnas HAM's actions, preventing it from reaching a more substantial level of law enforcement.

The authority of Komnas HAM has so far only extended to the investigation stage, meaning that its actions have not yet penetrated the investigation and prosecution processes. In fact, the establishment of this institution should mark a broader promise, not merely to uncover events, but to hold perpetrators accountable and restore the rights of those who have been harmed. Therefore, expanding its mandate is crucial so that Komnas HAM can cover all stages of adjudication and make the protection of human rights not just a concept, but a living, tangible reality felt by every marginalised individual.³¹ The various shortcomings that overshadow Komnas HAM's performance are rooted in its position, function, authority, and legal basis,

²⁸ Hesti Zahrona Nurul R, Felix Juanardo W, and Sang Ayu Made Tamara V.P.E.P, "Integrated Settlement Mechanism Sebagai Upaya Mewujudkan State Responsibility Melalui Rekonstruksi Komnas Ham Dan Pengadilan Ham Di Indonesia," *Jurnal Studia Legalia*, Vol. 1, No. 1, (2022), hlm. 165.

²⁹ Suhardin, Abdul Wahid, and Abid Zamzami, "Eksistensi Komnas HAM Indonesia Dalam Menjalankan Perannya Sebagai Upaya Mencari Keadilan Sehubungan Dengan Pelanggaran HAM," *Jurnal Ilmiah Ilmu Hukum*, Vol. 27, No. 2, (2021), hlm. 269.

³⁰ Agus Riwanto Alpases P O Sinaga, "Efektivitas Kewenangan Komisi Nasional Hak Asasi Manusia Terhadap Penyelesaian Pelanggaran Hak Asasi Manusia Yang Berat Di Indonesia," *Res Publica*, Vol. 6, No. 3, (2022), hlm. 302.

³¹ I Ketut Suardita, I Putu Andika Pratama, and Made Sinthia Sukmayanti, "DOMINUS LITIS PADA KOMISI NASIONAL HAK ASASI MANUSIA DALAM PENEGAKAN HAK ASASI MANUSIA DI INDONESIA," *JURNAL YUSTITIA*, Vol. 18, No. 1, (2024), hlm. 15-16.

which have not been fully established. The functions and authorities of this institution are still scattered across a number of different regulations, namely Law No. 39 of 1999 on Human Rights, which regulates its role in assessment, research, education, monitoring, and mediation; Law No. 26 of 2000 on Human Rights Courts, which places it as the investigator of cases of gross human rights violations; and Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination, which mandates its supervision of the implementation of the law. The fragmentation of authority into various legal regulations reflects that the institutional structure of Komnas HAM is not yet fully comprehensive and still needs to be strengthened.³²

All the dynamics that constrain the role of Komnas HAM show that the manifestation of the law has not yet fully transformed into a protector of human dignity. Therefore, the next step requires more than just evaluation; it requires regulatory reform and institutional reconstruction that can transform its mandate into real power in the enforcement of human rights.

4. Efforts to Strengthen the Manifestation of Law and Reform Komnas HAM in the Future

This section outlines the steps that can be taken to reorganise the role of Komnas HAM as a tangible manifestation of the law in the enforcement of human rights

1) Starting from a New Beginning for Komnas HAM's Efforts to Uphold Humanity in Aceh

A strategic step that can be taken is to focus human rights enforcement efforts on cases that have arisen since the enactment of Law No. 26 of 2000 on Human Rights Courts. This approach is particularly important in Aceh, given that there are still many incidents that occurred after 2000, such as the Jambo Keupok incident on 17 May 2003, which left traces of violence and human rights violations but has not yet been fully resolved. However, attention to the previous period should not stop there. Cases of human rights violations that occurred before the enactment of the law, such as various acts of violence during the Military Operations Area (DOM) period from 1989 to 1998, still require a fair and dignified resolution. Ignoring them will only cause history to lose its meaning and justice to lose its direction, while recognition of that period is actually the first step in restoring humanity and reaffirming trust in the law itself.

2) The Realisation of Recommendations Does Not Stop on Paper

The National Human Rights Commission has a moral and legal responsibility to ensure that the results of its investigations do not end up as mere formalities. The findings of investigations that are the result of a long process should serve as a real basis for the enforcement of justice, not just administrative records. In the context of Aceh, where the traces of human rights violations still leave wounds and hopes, the National Human Rights Commission needs to continue to ensure that each recommendation is translated into concrete action.

3) Strengthening the Institutional Capacity of Komnas HAM RI for the Aceh Case

In Aceh, efforts to enforce human rights often stall halfway, as if the voices of victims are trapped between investigation files and bureaucratic desks. Limited authority has prevented Komnas HAM from fully unravelling long-standing issues. Therefore, strengthening the role and function of Komnas HAM is imperative so that this institution does not merely record the wounds of the past, but is able to initiate a real legal process and rekindle the Acehnese people's hopes for justice, which have yet to be restored.

4) Reconstruction, Reparation and Inter-Institutional Synergy

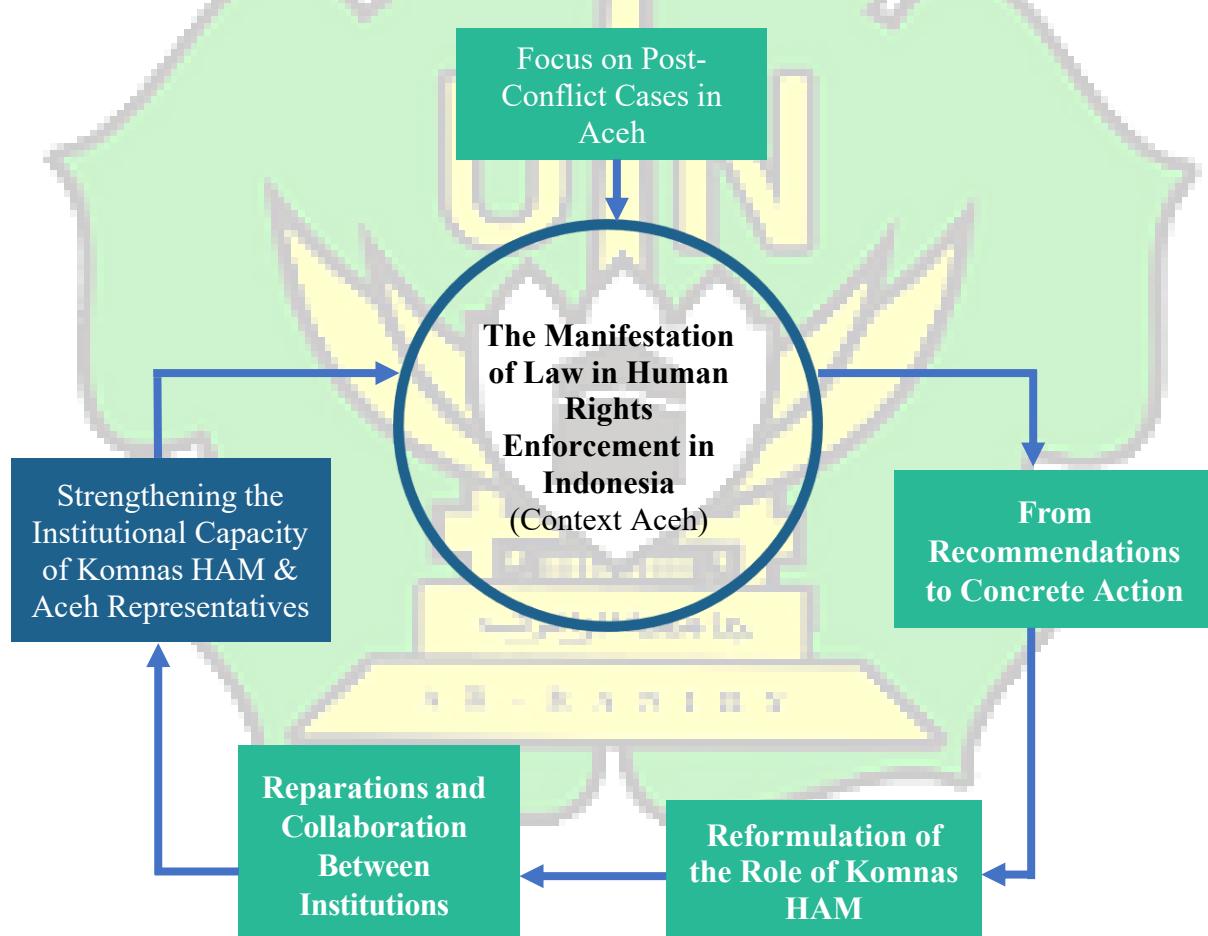
Efforts to restore justice for victims of human rights violations in Aceh should not stop

³² Safira Noor, "Penguatan Eksistensi Kelembagaan Komnas HAM Sebagai Constitutional Organ Dengan Constitutional Importance Dalam Sistem Ketatanegaraan Indonesia," *Jurist-Diction*, Vol. 3, No. 3, (2020), hlm. 1085-1086.

at administrative promises, but should be realised as concrete moral and political actions. Reparations are not merely a form of compensation, but an acknowledgement of the social wounds inflicted by past violence. Cross-institutional collaboration is needed so that recovery does not only touch on legal aspects, but also restores the sense of justice that had been stripped from the people of Aceh.

5) Synergy between Komnas HAM and Aceh Representatives in Strengthening the Manifestation of Law One important step in strengthening the manifestation of law is to build

A solid bridge between Komnas HAM at the national level and regional representatives. Take Aceh, for example, where the presence of Komnas HAM representatives plays a strategic role in accommodating the aspirations of victims and accelerating responses to potential violations. However, in order for this function to go beyond the symbolic stage, there needs to be a system that allows findings and recommendations at the regional level to be directly linked to the law enforcement process at the central level. In this way, the voices of victims will not be lost in bureaucracy, but will find their way to a more effective and responsive national legal system.



Conclusion

The manifestation of law is not merely a concept that exists at the level of ideas, but a long journey towards the realisation of true justice. In the enforcement of human rights in Indonesia, especially in Aceh, the ideals of law often face fear and failure that continue to loom large. However, it is precisely there that the meaning of manifestation finds its form, that law

is not born of certainty, but of the courage to realise what is believed to be right despite being overwhelmed by fear. Komnas HAM, with all its limitations, is part of this long process, striving to bridge legal idealism with a reality full of challenges. As long as the law continues to strive to address human concerns about injustice, this manifestation will not cease; it will continue to grow between idealism and reality, guiding the state not only to promise humanity but to truly bring it to life.

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