

## Strategic Steps Of The Human Rights Commissioner In Handling Cases Of Human Rights Violations

**Dewi Iriani**

IAIN Ponorogo

[dewiiriani.iainponorogo@gmail.com](mailto:dewiiriani.iainponorogo@gmail.com)

**Muhammad Fauzan**

Universitas Jenderal Soedirman

[muhammad.fauzan@unsoed.ac.id](mailto:muhammad.fauzan@unsoed.ac.id)

**Rohmah Maulidia**

IAIN Ponorogo

[r.maulidia@iainponorogo.ac.id](mailto:r.maulidia@iainponorogo.ac.id)

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Corresponding

Author:

**Dewi Iriani**

[dewiiriani.iainponoro](mailto:dewiiriani.iainponorogo@gmail.com)

[go@gmail.com](mailto:go@gmail.com)

The Republic of Indonesia's reformation era, many human rights violations occurred during, including human rights violations in cases of Trisakti, Semanggi 1, and Semanggi 2. There were ethnic, racial, and religious conflicts. The state is obliged to provide protection for victims of human rights violations. The Human Rights Commissioner plays a role in issuing policies/decisions to resolve cases of human rights violations that require a long time to resolve. Unfortunately, the term of office of the Chairperson/Deputy of the National Commission for Human Rights (NCHR) only lasts 2 years and 6 months after which they can be re-elected. This is regulated in Regulation of the NCHR No. 2 of 2019 concerning the Order of the NCHR. It is impossible to properly settle cases of human rights violations with a commissioner term of office that is only limited to 2 years and 6 months. Therefore, legal construction is required to revise the term of office of the NCHR Chairperson and Deputy. This paper was library research, namely research using library data from books and journals. It was found that the NCHR had trouble resolving human rights cases due to political pressures. Then, the NCHR Chairperson and Deputy's term of office should be revised to five years so that they have more time to serve the people by resolving cases of human right violations.

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## INTRODUCTION

Every state institution has strategic steps to carry out its authority and duties. This strategic step is contained in a rule or policy that becomes the performance operational standard of the state institution. One of the state institutions that will be studied in this paper is the Human Rights institution of the Republic of Indonesia. Human rights performance is based on a standard policy set by the government, namely Law Number 39 of 1999 concerning Human Rights. It is a public policy that comes from the government in the form of a decision and action in a written form. Such public policies are written rules and regulations that aim to achieve the public interest (Edi, 2018). In order for public policies to be implemented as a whole, law enforcement and legal certainty are required in providing human rights protection in the form of a justice system.

A justice system is part of law enforcement that creates legal certainty in the form of justice values, It requires a harmonious/parallel relationship between case settlement (*das solen*) and law enforcement through progressive steps, namely mediation, judicial method, and requests for revision of laws and regulations to the Constitutional Court (*das signal*) (Heru, 2020). M. Harun states that the role of the law is to bring peace, tranquility, and harmony. The law cannot only be seen as power, but it should protect the human rights of citizens (Harun, 2016). Citizens, especially victims of human rights violations, have the right to legal protection. In Indonesia, the institution that specifically provides legal protection for victims of human rights violations is the National Commission for Human Rights (NCHR). For example; cases of religious intolerance, article actions, no justice, inadequate education, inappropriate workers wage, prohibition of worship, no health guarantee, discrimination against people with disabilities.

NCHR is an independent institution that specifically deal with human rights violations as regulated in Article 75 of Law No. 39 of 1999 concerning Human Rights. The purpose of the NCHR is to apply the human rights in a conducive manner in accordance with the 1945 Constitution and Pancasila (the Republic of Indonesia's Five Principles), the United Nations Charter, and the Universal Declaration of Human Rights. The NCHR is committed to upholding

human rights and the law that protect people from human rights violations. This is in line with the mandate (Basic Law) of the 1945 Constitution which regulates the rights to freedom of embracing religions and beliefs; the freedom to access health services, education, and employment; as well as the freedom of expression, etc. Unfortunately, there are still many cases human rights violations that occurred in Indonesia that have not properly been resolved by the NCHR. This includes religious practices, sexual harassment, violations of the law, and discrimination against ethnicities and race (Ubadillah, 2006). The state is obliged to provide protection for victims of human rights violations, namely victims of sexual harassment as well as victims of ethnic, racial, and religious conflicts. Several protections that have been regulated in the 1945 Constitution (hereinafter abbreviated as the 1945 Constitution), namely the right to get a job, the right to education, the right to get health insurance, not to get discrimination for people with disabilities, the right to get legal protection, the right to worship for each religion.

In resolving cases of human rights violations, the protection provided by the NCHR must obtain a policy/decision from the NCHR Commissioner, especially the policies issued by the Chair and Deputy Chairperson of the NCHR Commissioner which require time to make. However, it is unfortunate that the term of office of the Chair and Deputy Chairperson of the NCHR is only valid for 2 years and 6 months after which they can be re-elected. This is regulated in the NCHR Regulation No. 2 of 2019 concerning the Order of the NCHR (Peraturan.go.id). Therefore, according to the author, this short term of office of the NCHR chairperson and deputy chairperson makes it difficult for them to effectively deal with cases of human rights violations.

Many human rights violations occurred before The Republic of Indonesia's Reformation Era took place. But this paper only focuses on the human rights violations that occurred after the reformation, since President Soeharto abdicated his "throne" over his leadership as President of the Republic of Indonesia, where he led for 32 years. The violations that will be discussed in this paper are the 1996-1999 gross human rights violations that occurred in the struggle of Trisakti students to fight for Indonesia's reformation that are suspected by the security forces. (Peraturan.go.id), It includes conflicts between different ethnic groups, religion, and race that occurred in the Poso, Sampit, and Sampang areas. It also includes the violation of the people's freedom in their rights to practice religion. Therefore, the law enforcement in resolving human rights violations by the NCHR and public policies during the NCHR's term of office that is only

valid for 2 years and 6 months need to be rearranged. This is so that the settlement of cases of human rights violations can proceed fairly. Thus, the formulation of the problems are: 1) How does the NCHR enforce the law in cases of human rights violations after the Reformation? 2) What are the strategic steps of public policy regarding the NCHR Commissioner's term of office in resolving cases of human rights violations?

## **RESEARCH METHOD**

Research using library data from books and journals. The type of research was qualitative, namely research that explains the problems of post-Reformation human rights violations with law enforcement and public policy theories as analytical tools. This research used several approaches, including: (1) where the author explained the beginning of the formation of the National Human Rights Commission and post-Reformation human rights violations; (2) the public policy approach, concerning the government policies that are made and applied to the public/society; (3) the legislative approach, where the author analyzed Law No. 39 of 1999 concerning Human Rights and NCHR Regulation No. 2 of 2019 concerning NCHR Rules; and (4) the comparative approach, which is an approach that compares the public policy theory with the law enforcement by the NCHR in cases of human rights violations after the Reformation. It also compares the public policy on the office tenure of the NCHR commissioner in resolving cases of human rights violations. With this huge authority, the NCHR didn't reach its purpose to complete human rights cases because such cases involved very influential people. This conclusion was different from the previous research which found that the NCHR didn't have any authority.

## **RESULT AND DISCUSSION**

### **1. How the NCHR Enforced the Law in Post-Reformation Cases of Human Rights Violations**

The National Commission for Human Rights (NCHR) is an independent institution whose position is at the same level as other state institutions. Its function is to carry out the study, research, counseling, monitoring, and mediation of issues on human rights. The legal basis of the NCHR's formation was Presidential Decree No. 50/1993 on the National Commission for Human Rights. Since 1999, the existence of the NCHR has been based on a law, namely Law Number 39 of 1999 which also stipulates the existence, purpose, function,

membership, the principle of completeness, as well as the duties and authorities of the NCHR. In addition to the authority according to Law No. 39 of 1999, it is also authorized to conduct investigations into gross human rights violations with the issuance of Law No. 26 of 2000 concerning Human Rights Courts. (Peraturan.go.id). The law on human rights courts can come into force if it has received a recommendation from the NCHR, and if it has been legally processed using the provisions of the human rights law. The NCHR has the same authority as the Attorney General's Office in the investigating and examining human rights violations.

The NCHR was specifically formed to resolve cases of human rights violations. Thus, its role in enforcing the law in cases of human rights violations are very crucial. Institutional strengthening is needed in carrying out investigations by clarifying the institutional status of the NCHR, in the form of recommendations from the NCHR to resolve great cases of human rights violations. So far, the NCHR and the Attorney General's Office have limited authority in resolving great cases of human rights violations. The NCHR's investigative authority has become ineffective and the institution has received political intervention which hinders its performance in law enforcement (Vindy, 2020). To create a sense of justice, the law enforcement on human rights violations must be carried out by implementing the rules of human rights legislation and the law on human rights courts.

Law enforcement is not only about implementing laws and creating legal certainty. But in resolving legal violations, the law enforcement must consider the value of justice and the value of the benefit. If law enforcement is only based on legal certainty, the meaning of justice, happiness, and the creation of human rights will not be fulfilled in the public/community (Yohanes, 2009). A just law enforcement does not only apply the rule of law, as it is necessary to have an approach on the public/community behavior approach to know the sense of justice in the community. This is so that law enforcers can find out the benchmarks of a community's sense of justice which is influenced by: 1) discrimination in enforcing the law; 2) lack of knowledge; 3) weak implementation of laws and regulations; 3) people who aim to win in court are not looking for justice; 4) the influence of money as a tool of justice; 5) law enforcers who have connections; 6) budget limitations; and 7) the role of mass media (Yohanes, 2009). A sense of justice will be created for victims and

perpetrators of human rights violations, in accordance with their actions in cases of human rights violations.

The focus of the author's research is cases of post-Reformation human rights violations in the form of gross human rights violations from 1996-1999. It included cases of violations concerning conflicts between ethnicities, races, and religions. It included cases of violations of people's rights to perform religious worship. The author will further explain the chronology of the cases that occurred as follows (Rony, 2022):

The 1996-1999 Serious Human Rights Violations started when university students demonstrated, demanding President Soeharto (the Republic of Indonesia's second president who ruled for 32 years) to step down. The events that occurred were the tragedy of the deaths of Trisakti University students on May 12<sup>th</sup>, 1998 in front of the Trisakti campus. Other students suffered gunshot wounds shot by security forces and several students mysteriously disappeared. The first Semanggi Tragedy happened on November 13<sup>th</sup>, 1998, where students rejected the special session of the People's Consultative Assembly. They demanded the abolition of the dual function of the Republic of Indonesia's Armed Force. This was followed up by the second Semanggi tragedy on September 24<sup>th</sup>, 1999, where the government planned to enact a Law on the Management of Dangerous Circumstances for the events that occurred after the fall of President Suharto. Students refused because the government was considered authoritarian over the law (Peraturan.go.id). The NCHR found evidence of gross human rights violations that resulted in the death of Trisakti students, persecution, and mysterious disappearances. Students rejected the plan to enact the Danger Situation Act. The regulation, which was supposed to replace the Subversion Law, was deemed too authoritarian. The NCHR Commissioner has investigated several military/police officers, the NCHR has still not been able to resolve the case.

Conflicts between ethnic groups, religion, and race has also occurred. First, there was the Maluku conflict. Records from the Commission for Investigation of Human Rights Violations and Mediation (CIHRVM) in Maluku showed that from January 1999 to October 2000, this conflict resulted in 3,080 deaths, 4,024 injuries, and 281,365 others displaced. The case began with differences in religious views and socio-political conditions in the Maluku community. The solution made by vice president Jusuf Kalla at that time as well as the

NCHR Commissioner and CIHRVM, was to mediate with a humanist approach through communication to finally create peace.

Second, there was the Poso conflict. Violence occurred due to divisions between Christian groups and Muslim groups which resulted in conflicts occurring from 1998 to 2000 with the death toll that is estimated to reach 1000 people. To resolve this issue, the NCHR Commissioner created a reconciliation that is known as the Milano declaration on December 20<sup>th</sup>, 2001. This declaration agreed to return refugees, normalize the Poso area, undergo mental and social rehabilitation, and provide compensation of 100 billion rupiahs for the dead victims.

Third, there was the Sampit conflict. The death toll was 500-1000 people and 2500 people were displaced due to the conflict. The Sampit conflict occurred due to the division between the Dayak tribe and the Madurese tribe in Sampit, Central Kalimantan. The clashes started to occur on February 18<sup>th</sup>, 2001. Jusuf Kala's role was to reconcile the two ethnicities, through customary law, where the Madurese had to obey the customary law that prevailed in the Dayak tribe.

There were cases where right to practice religious worship was not fulfilled. First, there was the case of the Yasmin Church in Bogor. Bogor City Civil Service Police Unit sealed the Yasmin Church on April 10<sup>th</sup>, 2010 under the orders of the mayor. So, Christians worshipped on the street. Christians were under pressure to worship in the congregation's house. The resolution of the case was that the Bandung Administrative Court and Jakarta Administrative Court gave victory to the Yasmin Christian Church in this Building Establishment Permit dispute through the Supreme Court's Decision Number 127 PK/TUN/2009 dated December 9<sup>th</sup>, 2010. The Supreme Court rejected the request for judicial review submitted by the Bogor City Government. However, at that time, the Mayor of Bogor actually issued Decree Number 645.45-137 of 2011 regarding the revocation of the Yasmin Church's Building Establishment Permit, dated March 11<sup>th</sup>, 2011. The reason the Mayor of Bogor did not want to comply with the Supreme Court's decision was because of the forgery of signatures by Munir Karta who at that time served as Chairman of the Neighborhood Organization. The Indonesian Ombudsman then issued a recommendation numbered 0011/REK/0259.2010/BS-15/VII/2011 on July 8<sup>th</sup>, 2011 regarding the revocation

of the Bogor Mayor's decision regarding Yasmin Church's Building Establishment Permit, but there was still no action from the Bogor City Government.

Second, there was a case of violence against Ahmadiyya cult followers. There was expulsion of residents from the Ahmadiyya Congregation which led to clashes between the residents and the Ahmadiyya Congregation. In this case, the local government, specifically the Governor legitimized the Governor's Regulation No. 12 of 2011 concerning the Prohibition of the Activities of the Indonesian Ahmadiyya Congregation in West Java and the Banjar Mayor's Regulation No. 10 of 2011 concerning the Handling of the Indonesian Ahmadiyya Congregation in Banjar City.

Third, there was the case of the expulsion of thousands of members of the Fajar Nusantara Movement (Gafatar) group which was considered a heretical sect. The evictions were carried out in January 2016 from Mempawah, West Kalimantan. Human rights violations that occurred in the form of discrimination, by writing in the Police Record Certificate that they were involved in a crime. There was also the revocation of ID cards and expulsion. The law enforcement was carried out through a cooperation between several parties, namely the Attorney General's Office, the Ministry of Religion, and the Ministry of Internal Affairs. Stating that the Gafatar group is a group that has religious teachings that deviate from its main teachings, and the rights of the Gafatar group are re-applied as appropriate.

The author's analysis of cases of post-Reformation human rights violations is that the NCHR Commissioner is still under pressure from political intervention in cases involving students from the Trisakti, Semanggi 1, and Semanggi 2 tragedies. These cases have not been resolved, even though the mysterious deaths and disappearances of students by security forces happened 26 years ago. The results of these cases have not been revealed. The termination of the case is still the authority of the Attorney General's Office. These cases have not been raised to the investigation stage and they have not been tried in court.

In addition, there are other cases, namely the obstruction of freedom in carrying out religious worship at the Yasmin Indonesian Christian Church due to a church building permit dispute. The church congregation cannot worship in the church as it was sealed by the Bogor City Civil Service Police Unit. Then, the church congregation performed worship in one of the congregation's houses. As the congregation suffered from pressures/intervention from



the Bogor government in this case, the church congregation took legal steps to the Bandung Administrative Court and Jakarta Administrative Court through the Supreme Court decision Number 127 PK/TUN/2009 which was reassured by the church congregation. However, unfortunately, the church congregation experienced another intervention by the Mayor of Bogor, who issued Decree Number 645.45-137 of 2011 concerning the revocation of the Yasmin Church's Building Establishment Permit in the city of Bogor, West Java. The reason given by the Mayor of Bogor was that the letter from the Neighborhood Organization was fake and the mayor refused to acknowledge the Supreme Court's decision.

For these two cases, the NCHR Commissioner has not been able to resolve the issue of human rights violations. The NCHR Commissioner cannot exercise further authority regarding law enforcement for human rights violations where students were killed because the case files have been stopped at the Attorney General's Office. Then in the case of violations of the freedom to undergo religious worship in the church, the NCHR has limited authority over the issuance of a decree from the Mayor of Bogor. The NCHR Commissioner should be able to play a further role in resolving cases of the death of Trisakti students and in resolving cases of the freedom to practice religious worship without having to fear any intervention from any party. They should have an expanded authority over the settlement of cases of human rights violations.

From cases of resolving post-Reformation human rights violations carried out by the Human Rights Commissioner, the author will explain of the law enforcement aspect involving elements of the community as follows:

1. The NCHR Commissioner is still being discriminated against. There is intervention from other parties in enforcing the law on the violations that occurred and led to the death of the Trisakti students. There was also intervention from the mayor of Bogor over the freedom to worship in church.
2. There was the lack of knowledge and understanding of the community regarding the racial and ethnic violence cases that occurred in Maluku, Poso, and Sampang. Communities in conflict can make complaints to NCHR commissioners in the regions if there are human rights violations to prevent the occurrence of casualties.
3. There was the weak implementation of Law No. 9 of 1999 concerning Human Rights.
4. The conflicting people aim for the case to be won. Seeking justice is no longer the main goal.

5. Cooperation and connections were established between the government, namely Vice President Jusuf Kalla at that time, the NCHR Commissioner, and the Attorney General's Office in resolving the conflict cases concerning issues of religion, ethnicity, and race in Maluku, Poso, and Sampang.
6. There were budget limitations in reconciling the conflict cases concerning issues of religion, ethnicity, and race as well as the disclosure of the death of the Trisakti student .
7. The role of mass media as a source of information to the wider community is indispensable.

## **2. Strategic Steps of Public Policy on the NCHR Commissioner's in Resolving Cases of Human Rights Violations**

State commissions known as state institutions are supporting institutions/organs (The State's Auxiliary Organ) and state organs (State's Main Organ). Since the amendment to the 1945 Constitution, various state commissions (The State's Auxiliary Organs) have emerged (Yamin, 2011). Cornelis Lay explained that with the presence of various state commissions, the government need to balance the *trias politica* of the three branches of power in the executive, legislature, and judiciary sectors which function as checks and balances (Firmansyah, 2005). The emergence of the independent NCHR institution is needed by the community to resolve human rights issues (Cornelis, 2006). Thus, the presence of the NCHR is to undergo vertical and horizontal supervision which can be monitored by the community, It also aims to carry out government administration as an independent institution that can be trusted by the community (Bunyamin, 2013).

The NCHR is a constitutional organ with a value of constitutional importance. It is part of the state institution, following Article 24 paragraph (3) of the 1945 Constitution which states that, "Other bodies whose functions are related to judicial power are regulated by law". The NCHR is an agency with other judicial powers which play a role in court legitimacy (*Pro Justitia*). The NCHR has legitimacy and the authority to provide recommendations issued by the Ombudsmen; summon perpetrators of human rights violations by force; carry out investigations; indictments, and prosecutions; and make laws and regulations associated with human rights (Safira, 2020). Since its establishment, the NCHR has been committed to resolving and handling cases of human rights violations, both ordinary and gross ones (Abdul, 2004). The NCHR was the first independent institution in Indonesia. It was made as a Pilot Project, an example, and a motivation to form other independent institutions (Jimmy, 2006). According to the author, the NCHR is an

independent institution that was first regulated by the 1945 Constitution and in its development, the NCHR is an institution that provides human rights protection.

It is an example or a model for other independent institutions in Indonesia. The Commission for the Protection of Women and Children (CPWC), the Commission for Women, as well as the Commission for Truth and Reconciliation are independent institutions that are similar to the NCHR. These institutions do not always exist in every Indonesian region. Only the CPWC exists in every region, even though it is not yet known by the wider community. To enforce the law on human rights and to resolve minor and severe human rights cases, independent institutions that are concerned with handling human rights settlements should ideally be located in every district in Indonesia.

The NCHR is one of the independent institutions that has existed in Indonesia for a long time. The formation of the independent NCHR started from the issuance of Presidential Decree Number 50 of 1993 concerning the National Commission on Human Rights. The membership of the NCHR consists of a plenary commission, sub-commissions and the secretary general (Peraturan.go.id). The plenary commission consists of twenty-five members who are directly elected by the President. Meanwhile, the Chair and Deputy Chairperson of the Plenary Commission are elected by members, with a term of office of five years. Then, they can be re-elected for one term. The NCHR has a role in researching, assessing, and mediating human rights issues. It has the role to supervise the elimination of ethnic discrimination and undergo counseling. It is an independent institution.

The NCHR has the same position as other state institutions. It consists of an *ad hoc* team, consisting of the Human Rights Commission and elements of the community. This is stated in Article 1 of Law No. 39/1999 on Human Rights, Law No. 26 of 2000 on the Court of Human Rights, and Law Number 40 of 2008. The initial formation of the NCHR was part of the executive power which at that time issued a Presidential Decree. At the beginning of its emergence, people doubted its independence. After some time, the NCHR was able to resolve human rights violations. So, people began to believe that they were independent (Abdul, 2004).

The implementation of the NCHR's duties and authorities, cannot be separated from the members' efforts to carry out their duties well. The arrangement of the NCHR members

is according to Law No. 39 of 1999 concerning Human Rights. The Legislative House can elect members of the NCHR under the recommendation of previous NCHR members. Then, the NCHR members were inaugurated by the President. The chairperson and two deputies are directly elected by the NCHR members. The NCHR term of office of NCHR members is 5 years and they can be re-elected for only 1 term of office. The term of office of the Chairman and Deputy Chairperson of NCHR was regulated in the NCHR Regulation No. 2 of 2019 concerning the Order of the NCHR. Their terms of office are only 2 years and 6 months, after which they can be re-elected.

There were some post-Reformation human rights issues in Indonesia, including conflicts cases in Maluku, Poso, and Sampang. There was the violation of the freedom to practice religion in mosques for Muslims and in churches for Christians. Serious human rights violations were committed by the Indonesian military and police forces Trisakti students, as well as in the first and second Semanggi cases. The NCHR has not been able to resolve cases of minor and serious human rights violations in accordance with the wishes of the community. There are still interventions and pressures from other parties in settling these cases. Resolving post-Reformation cases take a long time. It is required for the NCHR commissioner to have a minimum term of five years. There are five commissioners of the NCHR, , consisting of the Chairperson, 2 Deputy Chairpersons, and 2 commissioners, namely the Commissioner for Assessment and Research, and the Commissioner for Monitoring/Investigation.

Then, they are assisted by one Coordinator of the Sub-Commission for the Advancement of Human Rights/Commissioner for Education and Counseling. The term of office for the NCHR commissioner members are regulated in Law No. 39 of 1999, which is for 5 years and only one term of office. It is unfortunate that the term of office of the Chairman and Deputy Chairperson NCHR is only 2 years and 6 months, as regulated in the NCHR Regulation No. 2 of 2019 concerning NCHR Rules. Thus, the author suggests that the settlement of post-Reformation human rights violation cases will not run effectively if the terms of office of the Human Rights Commissioners are different.

The striking difference is that the term of office of the NCHR Chairperson and the Deputy Chairperson is only 2 years and 6 months, while the members of the commissioners serve for 5 years. According to the author, when the NCHR Commissioner is elected, the

selection of the NCHR Chairperson and the Deputy Chairperson should be carried out by the previous Commissioner. They should have the same term of office as the committee members, which is serving for 5 years. The different regulations between Law No. 39 of 1999 concerning Human Rights and the NCHR Regulation No. 2 of 2019 regarding the term of office can be revised by the elected Human Rights Commissioner so that the handling of the settlement of cases of human rights violations can run optimally. To assess the need to revise the regulation, a public policy is required. A policy from the government is also needed to see conditions in the field and directly listen to the public.

Raksasataya defines public policy through strategic steps in the form of a public (society) assessment of the sustainability of policies made by the government through research, political policies on society, the impact of policies, and policies that affect the environment (Raksasataya, 2019). Strategic steps from public policies will lead to the desired goals. Strategies must be equipped with tactics and strategies for implementing policies that will be enforced (Hassel, 2013). The public policy aims to achieve the legitimately desired results in the government system, which is based on the behavior of the public (society).

James Anderson divides public policy into four: 1) substantive policy versus procedural policy. Substantive policies are policies that come from the government, while procedural policies are policies that have been running; 2) distributive policy versus regulatory policy versus re-distributive policy. Distributive policies are in the form of services that provide benefits to the community. Regulatory policies are policies in the form of restrictions and prohibitions. Meanwhile, the re-distributive policy is a policy that regulates the rights of the public (community); 3) material policy versus symbolic policy. Material policies always provide benefits to community groups. Symbolic policies are policies that will provide mutual benefits; and 4) Policies related to public goods and private goods. Public good policies provide good services to the community, private policies make the government provide maximum service to the community (Anderson, 2017). Public policy involves elements of the government and the public, namely the community, where the policies contained in the laws made by the government should have benefits for the community.

The public policy that will be discussed here is the public policy regarding the tenure of the NCHR commissioner in resolving cases of human rights violations. Many cases of human rights violations during the Reformation have not been completely resolved by the NCHR Commissioner due to limitations in the Chairperson and Deputy's terms of leadership

which is only 2 years and 6 months. Meanwhile, the settlement of cases of human rights violations takes a long time. For just one case, it takes at least 1 year of investigation, indictment, and up to trials. Not to mention other ongoing and upcoming cases. The Chairperson and Deputy's term of leadership are only short. But of course, the public require policies from their leadership to provide protection and enforcement against human rights violations. Therefore, it is necessary to take strategic steps in public policy during the NCHR Commissioner's term of office as follows:

1. Substantive policy versus procedural policy.

Substantive policies in the form of the NCHR Regulation No. 2 of 2019 concerning the Order of the NCHR states that the term of office for the Chairperson and Deputy Chairperson of the NCHR commissioner is 2 years and 6 months. In terms of procedural policies, it is very necessary for the NCHR Chairperson and Deputy Chairperson to make policy decisions to settle of human rights violations. So, it is not possible for this settlement to be properly achieved if the term of office is so short, unlike the NCHR commissioner members who serve for 5 years. Therefore, according to the author, the ideal term of office of the NCHR commissioner is the same as that of the members who serve for 5 years.

2. Distributive policy versus regulatory policy

The distributive policy of decision-making in handling human rights violations by the NCHR is very much needed by the public/community. Victims of human rights violations among society will obtain its benefits. Of course, the regulatory policy decisions of the NCHR Commissioner have limitations or prohibitions in the form of sanctions for perpetrators of human rights violations.

3. Material policy versus symbolic policy.

In making policies, NCHR commissioners must provide a sense of justice for victims of human rights violations. They must provide fair sanctions to perpetrators in accordance with human rights violations they committed.

4. Policies related to public goods and private goods.

The NCHR provides maximum service without selectively discriminating against cases of human rights violations. Services provided by the NCHR Commissioner to the community should be applied in a humane manner. This is so that people are not afraid to report to the NCHR if their rights are violated.

## CONCLUSION

In enforcing the law in post-Reformation cases of human rights violations, the National Commissioner for Human Rights is still under pressure from political intervention. Many cases

from 1996 to 2022 are still currently unresolved. The NCHR, the Attorney General's Office, and the Vice President at that time, Jusuf Kalla managed to reconcile cases of conflicts between religions, ethnicities, and races, even though the NCHR Commissioner was considered as slow in handling the case, resulting in fatalities. Often, people seek to win cases, rather than to seek justice. This is due to the weak application of Law No. 39 of 1999 on Human Rights. There is a need for cooperation between state institutions, namely the Minister of Law and Human Rights as the executor, the Attorney General's Office as a state agency, and the NCHR as an independent agency. There is also a need for the role of the media to provide information to the wider community from the NCHR Commissioner to inform the development of cases of human rights violations.

There are some strategic steps that need to be taken in terms of public policies. In the substantive policy versus the procedural policy, the NCHR chairperson and deputy chairperson should have a serving term of five years as solving human rights cases take a long time. In terms of distributive policy versus regulatory policy, decision-making by the NCHR in handling human rights violations is very much needed by the public and it can bring them benefits. In the aspect of material policy versus symbolic policy, the NCHR should make policies that provide a sense of justice. The NCHR should provide maximum services by not discriminating cases of human rights violations and by providing humane services to the community. The writer suggests that there is a need for legal construction to revise the role of the NCHR in the NCHR Regulation No. 2 of 2019 concerning the Order of the NCHR which regulates the NCHR commissioners' term of office. The term of office of the NCHR Chairperson and Deputy Chairperson should be 5 years, similar to the NCHR commissioner members' term of office.

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